



CITY COUNCIL
Regular Meeting – November 28, 2016 6:00 p.m.
LOCATION: Beavercreek Senior Center
3868 Dayton-Xenia Road

PRESENTATIONS

- ◆ State Representative Rick Perales presenting to Beavercreek Police Department and COPPs
- ◆ Introduction of new K-9
- ◆ Introduction of recently promoted Sergeant Nick Amato and Captain Chad Lindsey

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND PRAYER/MOMENT OF SILENCE – Vice Mayor Vann
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
 - A. November 14, 2016 Regular Meeting
 - B. November 16, 2016 Budget Work Session

- VI. PUBLIC HEARING – PUD 06-3 AMENDMENT 9/16 First & Main Beavercreek
 - A. Applicant Presentation
 - B. Staff Presentation
 - C. Public Input
 - D. Council Input
 - E. Ordinance 16-34 (First Reading)

- VII. ORDINANCES, RESOLUTIONS AND PUDS
 - A. Ordinance 16-24 Adopting New Section 76.17 “Parking of Large and Oversize Vehicles on Streets (Third Reading)
 - B. Ordinance 16-25 Repealing Current Section 70.01 “Definitions” and Adopting New Section 70.01 “Definitions” (Third Reading)
 - C. Ordinance 16-26 Repealing Current Section 76.99 “Penalty” and Adopting New Section 76.99 “Penalty” (Third Reading)
 - D. Resolution 16-27 Approval of Petitions for Ohio Energy Special Improvement District (Tabled)
 - E. Resolution 16-28 Declaring the Necessity of Certain Public Improvements (Tabled)
 - F. Ordinance 16-27 Determining to Proceed with Acquisition, Construction and Improvement of Certain Public Improvements (Third Reading) (Emergency)
 - G. Ordinance 16-28 Levying Special Assessments for the Purpose of Acquiring, Constructing and Improving Certain Public Improvements. (Third Reading) (Emergency)
 - H. Ordinance 16-29 Authorize City’s Participation in Financing Special Energy Improvement Projects (Third Reading) (Emergency)
 - I. Ordinance 16-35 Supplemental Appropriations (Single Reading)
 - J. Resolution 16-33 Wage Adjustments
 - K. Resolution 16-34 Clerk of Council Wage Adjustment
 - L. Resolution 16-35 Park Consolidation Agreement
 - M. Resolution 16-36 Substitute House Bill 523 Moratorium Extension

- VIII. DECISION ITEMS
 - A. Acceptance of 3rd Quarter 2016 Financial Summary

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

BEAVERCREEK CITY COUNCIL
REGULAR MEETING November 14, 2016 6:00 p.m.

PRESENTATIONS

- ◆ Donation Presentations by the Popcorn Festival Committee

CALL TO ORDER

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

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

ABSENT: None

TARDY: None

ALSO IN ATTENDANCE: Jill Bissinger, Human Resources; Michael Cornell, City Manager; Bill Kucera, Financial Administrative Services Director; Dianne Lampton, Clerk of Council; Jeff McGrath, Planning & Zoning Director; Steve McHugh, Legal Counsel; Nick Smith, Assistant City Engineer; Mike Thonnerieux, public Administrative Services Director

PLEDGE

Council Member Whilding led the pledge and a moment of silence

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Vice Mayor Vann MOVED to approve the minutes of the October 17, 2016 Work Session, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

Council Member Litteral MOVED to approve the minutes of the October 24, 2016 Regular Meeting, seconded by Council Member Jarvis. Motion PASSED by majority voice vote.

Council Member Wallace MOVED to approve the minutes of the October 26, 2016 Special Meeting, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

ORDINANCES, RESOLUTIONS AND PUDS

November 14, 2016

Ordinance 16-22 Repealing Current Section 132.13 “Panhandling” and adopting New Section 132.13 “Panhandling” (Third Reading)

Clerk Lampton read an Ordinance repealing current Section 132.13 “Panhandling” of the City of Beavercreek Code of Ordinances, and adopting new Section 132.13 “Panhandling” of the City of Beavercreek Code of Ordinances.

Council Member Jarvis MOVED to approve Ordinance 16-22, seconded by Council Member Wallace. Motion PASSED by majority voice vote.

Ordinance 16-23 Repealing Current Chapter 112 “Peddling, and Soliciting, and Distribution” and Adopting new Chapter 112 “Peddling, and Soliciting, and Distribution” (Third Reading)

Clerk Lampton read an Ordinance repealing current Chapter 112 “Peddling and Soliciting” of the City of Beavercreek Code of Ordinances and adopting new Chapter 112 “Peddling, Soliciting, and Distribution” of the City of Beavercreek Code of Ordinances.

Vice Mayor Vann MOVED to approve Ordinance 16-23, seconded by Council Member Upton. Motion PASSED by majority voice vote.

Ordinance 16-24 Adopting New Section 76.17 “Parking of Large and Oversize Vehicles on Streets” (Second Reading)

Clerk Lampton read an Ordinance adopting new section 76.17 “Parking of Large and Oversize Vehicles on Streets” of the City of Beavercreek Code of Ordinances.

There being no input, the public hearing was closed.

This Ordinance will move automatically to the Third Reading.

Ordinance 16-25 Repealing Current Section 70.01 “Definitions” and Adopting New Section 70.01 “Definitions” (Second Reading)

Clerk Lampton read an Ordinance repealing current Section 70.01 “Definitions” of the City of Beavercreek Code of Ordinances, and adopting new Section 70.01 “Definitions” of the City of Beavercreek Code of Ordinances.

There being no input, the public hearing was closed.

This Ordinance will move automatically to the Third Reading.

Ordinance 16-26 Repealing Current Section 76.99 “Penalty” and Adopting New Section 76.99 “Penalty” (Second Reading)

November 14, 2016

Clerk Lampton read an Ordinance repealing current Section 76.99 "Penalty" of the City of Beavercreek Code of Ordinances, and adopting new Section 76.99 "Penalty" of the City of Beavercreek Code of Ordinances.

There being no input, the public hearing was closed.

This Ordinance will move automatically to the Third Reading.

Resolution 16-27 Approval of Petitions for Ohio Energy Special Improvement District (Tabled from the October 24, 2016 meeting)

Clerk Lampton read a Resolution approving a petition, articles of incorporation and initial plan for the City of Beavercreek (Greene County), Ohio Energy Special Improvement District.

Mr. McHugh advised to continue to table the next two Resolution so they may be passed at the same time as the corresponding Ordinances.

Vice Mayor Vann MOVED to continue to table Resolution 16-27, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

Resolution 16-28 Declaring the Necessity of Certain Public Improvements (Tabled from the October 24, 2016 meeting)

Clerk Lampton read a Resolution declaring the necessity of acquiring and constructing certain public improvements in cooperation with the City of Beavercreek (Greene County), Ohio Energy Special Improvement District and the Greene County Port Authority.

Council Member Wallace MOVED to continue to table Resolution 16-28, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

Ordinance 16-27 Determining to Proceed with Acquisition, Construction and Improvement of Certain Public Improvements (Second Reading)

Clerk Lampton read an Ordinance determining to proceed with the acquisition, construction and improvement of certain public improvements in cooperation with the City of Beavercreek (Greene County), Ohio Energy Special Improvement District and the Greene County Port Authority and declaring an emergency.

There being no input, the public hearing was closed.

This Ordinance will move automatically to the Third Reading.

November 14, 2016

Ordinance 16-28 Levying Special Assessments for the Purpose of Acquiring, Constructing and Improving Certain Public Improvements (Second Reading)
Clerk Lampton read an Ordinance levying special assessments for the purpose of acquiring, constructing and improving certain public improvements in cooperation with the City of Beavercreek, (Greene County), Ohio Energy Special Improvement District and the Greene County Port Authority and declaring an emergency.

There being no input, the public hearing was closed.

This Ordinance will move automatically to the Third Reading.

Ordinance 16-29 Authorize City's Participation in Financing Special Energy Improvement Projects (Second Reading)

Clerk Lampton read an Ordinance authorizing the City's participation in financing special energy improvement projects in cooperation with the Port Authority; authorizing the execution of documents to effectuate such financing; and declaring an emergency.

There being no input, the public hearing was closed.

This Ordinance will move automatically to the Third Reading.

Resolution 16-30 Necessity and Intent to Appropriate Property (Daniel O'Brien Properties, LLC) for the Dayton-Xenia Road Widening Project

Clerk Lampton read a Resolution to declare the necessity and intent to acquire certain parcels or real estate and other property interests owned by R&P Middletown Properties, LLC, with interest by others, for the Dayton-Xenia Road Widening Project, in the City of Beavercreek, Ohio.

Mr. Smith said he would be discussing three properties for possible appropriation for the Dayton-Xenia Road Widening project scheduled to begin construction in 2017. He explained the first property had a name change from Daniel O'Brien Properties to R&P Middletown Properties, LLC. He said out of the 50 property owners involved there were only these three that may need to go to appropriations. Mr. Smith explained they have attempted to make contact with Mr. O'Brien and would continue to do so. He said the City is getting close to the ODOT date for right-of-way certifications.

Mayor Stone explained the Resolution is to declare the necessity and the accompanying Ordinance is to appropriate.

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Vice Mayor Vann MOVED to approve Resolution 16-30, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

Ordinance 16-31 Appropriate the Right-of-Way (Daniel O'Brien Properties, LLC) for the Dayton-Xenia Road Widening Project (Emergency)

Clerk Lampton read an Ordinance to appropriate certain real property interests owned by R&P Middletown Properties, LLC, for the Dayton-Xenia Road Widening Project, in the City of Beavercreek, Ohio and declaring an emergency.

Mr. Smith explained this was the companion Ordinance to the Resolution.

Vice Mayor Vann MOVED to approve Ordinance 16-31, seconded by Council Member Litteral. Motion PASSED by a roll call vote of 7-0.

Resolution 16-31 Necessity and Intent to Appropriate Property (3455 Dayton-Xenia, LLC) for the Dayton-Xenia Road Widening Project

Clerk Lampton read a Resolution to declare the necessity and intent to acquire certain parcels or real estate and other property interest owned by 3455 Dayton-Xenia, LLC, with interest by others, for the Dayton-Xenia Road Widening Project, in the City of Beavercreek, Ohio.

Mr. Smith explained the location of this property was just west of the Busy Beaver. Mr. Smith explained they have been in contact with the owner but unable to agree upon the terms of the sale of the land. He said they will continue to try to come to an agreement.

Council Member Jarvis MOVED to approve Resolution 16-31, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

Ordinance 16-32 Appropriate the Right-of-Way (3455 Dayton-Xenia, LLC) for the Dayton-Xenia Road Widening Project (Emergency)

Clerk Lampton read an Ordinance to appropriate certain real property interests owned by 3455 Dayton-Xenia, LLC, for the Dayton-Xenia Road Widening Project, in the City of Beavercreek, Ohio and declaring an emergency.

Council Member Upton MOVED to approve Ordinance 16-32, seconded by Council Member Litteral. Motion PASSED by a roll call vote of 7-0.

Resolution 16-32 Necessity and Intent to Appropriate Property (John L. Deal, Trustee) for the Dayton-Xenia Road Widening Project

Clerk Lampton read a Resolution to declare the necessity and intent to acquire certain parcels or real estate and other property interest owned by John L. Deal,

November 14, 2016

Trustee, with interest by others, for the Dayton-Xenia Road Widening Project, in the City of Beavercreek, Ohio

Mr. Smith explained they have been in contact with Mr. Deals and have an agreement. He said they were having issues with the mortgage company giving the City partial lien. He said the City is moving forward with the appropriation in case they cannot get the partial mortgage release completed in time.

Council Member Litteral MOVED to approve Resolution 16-32, seconded by Council Member Wallace. Motion PASSED by majority voice vote.

Ordinance 16-33 Appropriate the Right-of-Way (John L. Deal, Trustee) for the Dayton-Xenia Road Widening Project (Emergency)

Clerk Lampton read an Ordinance to appropriate certain real property interests owned by 3455 Dayton-Xenia, LLC, for the Dayton-Xenia Road Widening Project, in the City of Beavercreek, Ohio and declaring an emergency.

Council Member Litteral MOVED to approve Ordinance 16-33, seconded by Council Member Wallace. Motion PASSED by a roll call vote of 7-0.

DECISION ITEMS

Appointment to Board of Zoning Appeals

Vice Mayor Vann MOVED to open nominations, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

Vice Mayor Vann nominated Alex Hight.

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

Council Member Wallace MOVED to appoint Alex Hight to the Board of Zoning appeals for the term ending February 28, 2019, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

CITY MANAGER'S REPORT

Mr. Cornell explained there would be two budget work sessions scheduled for Wednesday, November 16th and Monday, November 21st both at 5:00 p.m. City offices will be closed for Thanksgiving November 24th and 25th. For non-emergencies, please contact the Beavercreek Police Department at (937) 426-1225.

MAYOR'S REPORT

November 14, 2016

Mayor Stone thanked the Moose Lodge for the dinner for the police and fire department. He thanked the Parks Department for a successful Veterans' Day Event. Volunteers helped last Saturday with the renovations of Shoup Park. He thanked all those involved.

COUNCIL TIME

Council Member Whilding said there were volunteers from Beaver Creek Pizza Dive, Beaver Creek Church of the Nazarene and the Beaver Creek Park Board for helping with Shoup Park, along with Submarine House who provided food for the volunteers.

Council Member Jarvis said they had the reopening of Grangeview Acres Park on November 3rd. He thanked the Hilton Garden Inn of Beaver Creek and the Wright State Basketball team for their efforts in the improvements. The Beaver Creek Church of the Nazarene will be hosting a Community Thanksgiving lunch on Thursday, November 24th, from 11:00 a.m. – 2:00 p.m.

Council Member Litteral said the Beaver Creek Church of the Nazarene is looking for volunteers from the community for Thanksgiving. Please contact Sharon Fulcher at 426-3926.

Council Member Upton thanked the Popcorn Festival Committee for giving back to the community. He thanked the voters for passing Issue 1.

Council Member Wallace thanked the Moose Lodge #73 for the dinner. She thanked Springhill Suites for hosting an open house to show off the new hotel. She said Chamber Links will be held at the Courtyard Marriott from 5:30 p.m. 7:30 p.m. who just completed renovations. She thanked everyone for the congratulations for her induction into the Ohio Veterans Hall of Fame. She wished everyone a happy and healthy Thanksgiving.

Vice Mayor Vann updated everyone with information she received from the Greene County Family and Children First and Mayors and Managers meetings.

CITIZEN COMMENTS

There being no citizen comments, citizen comments was closed.

EXECUTIVE SESSION

Council Member Jarvis MOVED to enter into Executive Session at 6:42 p.m. pursuant to Section 121.22 of the Ohio Revised Code, for the purpose of the appointment and employment of a public employee or official, seconded by Council Member Wallace. Motion PASSED by a roll call vote of 7-0.

November 14, 2016

Vice Mayor Vann MOVED to adjourn executive session at 7:21 p.m., seconded by Council Member Litteral . Motion was PASSED by roll call vote of 7-0.

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

ORDINANCES, RESOLUTIONS AND PUDS

Resolution 16-29 Hiring of City Manager

Clerk Lampton read a Resolution by the Beavercreek City Council to enter into an employment agreement with Pete Landrum to serve as City Manager for a three-year term.

Council Member Upton MOVED to approve Resolution 16-29.

Council Member Whilding MOVED to amend Attachment A, Section 12. Dues Subscriptions and Memberships by adding "However, such expense shall be within the constraints of the approved budget, which the City agrees shall be established within the sole discretion of the City at an amount deemed appropriate by the City." Seconded as amended by Council Member Wallace. Motion PASSED by a roll call vote of 7-0.

ADJOURNMENT

Council Member Upton MOVED to adjourn the meeting at 7:27 p.m., seconded by Council Member Litteral. Motion PASSED by majority voice vote.

Bob Stone, Mayor

ATTEST:

Dianne Lampton
Clerk of Council
Cmin111416

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

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

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

ABSENT: None

ALSO IN ATTENDANCE: Michael Cornell, City Manager; Dennis Evers, Chief of Police; Kim Farrell, Parks Superintendent; Jeff Fiorita, Caption Beaver Creek Police; Theresa Hathaway, Fiscal Officer; Steve Klick, Golf Course General Manager; Bill Kucera, Financial Administrative Services Director; Dianne Lampton, Clerk of Council; Jeff Moorman, City Engineer; Erin Morley, Recreation Supervisor; Mike Thonnerieux, Public Service Administrative Services Director; Captain Jeff Fiorita

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

DISCUSSION ITEMS

2016 Budget Item – Police Fund

Chief Evers gave an overview of his budget summary. There was discussion of the continued increasing costs for ammunition. There was a question regarding advertising employment positions with NEO versus the Dayton Daily News. There was discussion regarding the renovation of the police building and moving forward with the renovation of the lobby.

2016 Budget Item – Parks and Recreation Fund

Ms. Farrell reviewed her budget summary. There was discussion of lighting the tennis courts. There was discussion regarding Rotary Park drainage issue and the lack of grass. The tree replacement project will continue as well as the continued process of removing the dead Ash Trees.

2016 Budget Item – Golf Fund

Mr. Klick gave an overview of his budget summary. There was discussion of the name of the course and the new rates. There was discussion of Frisbee golf which is making a comeback. There was discussion of the golf cart lease and the keeping of the carts after the lease is up.

Park Consolidation

November 16, 2016

Ms. Farrell discussed the park management efficiencies between the City of Beavercreek, Beavercreek Township and Beavercreek Township District and what the park consolidation agreement would mean to the three entities. She discussed the amount of the possible levy and what it would provide to the parks. The combined park district would assume responsibility for the operation, maintenance and improvement of the park and recreation facilities owned by the City and Township. There was discussion regarding educating the community about the park consolidation. There was discussion of changing the branding name from Beavercreek Township Park District. It was the hope to have a resolution for the park consolidation on the November 28th Council Meeting.

ADJOURNMENT

Council Member Litteral MOVED to adjourn the meeting at 6:59 p.m., seconded by Council Member Wallace. Motion PASSED by majority voice vote.

Bob Stone, Mayor

ATTEST:

Dianne Lampton
Clerk of Council
Cmin111616budgetworksession

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

Meeting Date: November 28, 2016	Reference Topic: PUD 06-3 Amendment
Agenda Reference No.: VI. A-E.	First & Main Ordinance 16-34 (First Reading)

[Handwritten Signature]
11/24/16

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

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

BACKGROUND AND STAFF SUMMARY:

The applicant is requesting approval of an amendment to PUD 06-3, Buckingham Village, located on Grange Hall Road between Pentagon Blvd. and Kemp Road, approximately 200 feet south of Lujon Drive. Specifically the request is to allow for the construction of an 80-unit, 76,000 square foot assisted living and memory care facility on 12.3 acres. The request is Planning Commission and City Council add "assisted living facility, memory care facility, adult day care and/or retirement community" as permitted uses on the southern half of the PUD. There has also been discussion from the applicant for the potential for semi-independent or independent duplexes within the PUD to be operated in conjunction with the assisted living and memory care facility.

STAFF RECOMMENDATION:

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

PROCEDURAL OPTIONS FOLLOWING ACTION:

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

ORDINANCE NO. 16-34

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER _____ ON THE 28TH DAY OF NOVEMBER, 2016.

AN ORDINANCE AMENDING ORDINANCES #06-25 and #10-16 REZONING AND CONCEPT PLAN (PUD 06-3) TO MODIFY THE PERMITTED USES TO INCLUDE "ASSISTED LIVING FACILITIES, INDEPENDENT LIVING FACILITIES, MEMORY CARE FACILITIES, ADULT DAY CARE AND/OR RETIREMENT COMMUNITIES" FOR THE PUD PORTION SOUTH OF PARK OVERLOOK DRIVE. THIS PROPERTY IS FURTHER DESCRIBED AS BOOK 1, PAGE 11, PARCEL 67 ON THE GREENE COUNTY PROPERTY TAX ATLAS. (PUD 06-3, AMENDMENT 9/16)

Whereas, the Granger Group, 2221 Health Drive SW, Suite 2200, Wyoming, Ohio 49519, (Agent for the owner) has filed an application requesting approval of an amendment to PUD 06-3 rezoning and concept plan; and

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

WHEREAS, Beavercreek City Council finds that the facts submitted with the application and presented at the public hearing and any modifications, amendments, or supplementary conditions satisfy the standards and criteria for Planned Unit Development approval as per in §158.068 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 permitted uses for the southern portion of PUD 06-3 are hereby amended.

SECTION II

1. All conditions of R-PUD 06-3 and Ordinance 06-25 and Ordinance 10-16 shall remain in full force and effect except where modified herein.
2. The plan stamped "Received September 12, 2016" highlights the area subject to this zoning amendment and shall be incorporated as part of this zoning amendment approval, except as further modified by the following conditions.
3. The principal and accessory uses permitted in this residential Planned Unit Development shall be amended as follows:
 - A. For the portion of the PUD, south of Park Overlook Dr., the following uses shall be permitted.
 - i. Assisted living facilities, independent living facilities, memory care facilities, adult day care and/or retirement communities.
 - ii. Two-Family Dwelling (no more than 2 units per building), so long as density within the area associated with Two-Family Dwellings does not exceed density permitted in original Ordinance (2.47 du/ac).
4. There shall be a 50-foot buffer from the southern property line of the PUD and a 50-foot buffer along Grange Hall Road.
5. Building plans, designs, and elevations for an assisted living facility, memory care facility, adult day care and/or retirement community, south of Park Overlook Drive shall be subject to review and approval by the Planning Commission and City Council at the specific site plan stage. The majority of the exterior construction materials must consist of wood, stone, hardy plank and/or brick or other material acceptable to the Planning Commission and City Council at specific site plan stage.
6. The applicant shall be required to pay all applicable park fees and impact fees as determined by the City Engineer, City Manager, Planning Department, Parks Department, and/or City Attorney 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 _____ day of _____, 2017.

Bob Stone, Mayor

ATTEST:

Dianne Lampton, Clerk of Council

SUMMARY

This Ordinance adopts a recommendation to amend Ordinances #06-25 and #10-16 to modify the principal and accessory uses for the southern portion of PUD 06-3.

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

PUD 06-3 Amend 9-16 First & Main Ord

CITY OF BEAVERCREEK STAFF REPORT

November 21, 2016

PROJECT: First and Main

CASE NO.: PUD 06-3 Amendment 9/16

APPLICANT: **Granger Group**
2221 Health Drive SW
Suite 2200
Wyoming, OH 49519

REQUEST

The applicant is requesting approval of an amendment to PUD 06-3, Buckingham Village, located on Grange Hall Road between Pentagon Blvd. and Kemp Road, approximately 200 feet south of Lujon Drive. Specifically the request is to allow for the construction of an 80-unit, 76,000 square foot assisted living and memory care facility on 12.3 acres. The request is Planning Commission and City Council add “assisted living facility, memory care facility, adult day care and/or retirement community” as permitted uses on the southern half of the PUD. There has also been discussion from the applicant for the potential for semi-independent or independent duplexes within the PUD to be operated in conjunction with the assisted living and memory care facility.

EXISTING CONDITIONS

Background Information

The original zoning for this project was approved by City Council in 2006. The building setbacks of 50 feet from Park Overlook Drive, and 50 feet from the right-of-way of Grange Hall Road, were established at the rezoning stage.

In early 2007, a specific site plan was approved by City Council that called for the construction of 34 duplex buildings (68 units total) within the 27.41 acre development. The approved site plan showed 17 duplexes on the south side of the Park Overlook Dr. and 17 duplexes on the north side of Park Overlook Dr.

In 2010, an amendment to the PUD was approved to allow for the construction of an

80,000 square foot skilled nursing facility on the northern portion of the PUD, as well as the elimination of the permitted 17 duplexes on that side of the road. At that time, it was unknown what was to occur on the southern half of the PUD, and therefore the conditions on the southern portion were left unchanged.

The southern portion of the PUD is mostly vacant, consisting of open fields and woods as well as a detention pond, as shown on the aerial below. The aerial shows Park Overlook Drive as unfinished, however, it has since been completed, with sidewalks, curbs and gutters on both sides. The southwest corner of the property contains an older house, currently being utilized as a rental. The applicant intends to demo the house as part of the construction process of the proposed assisted living facility.



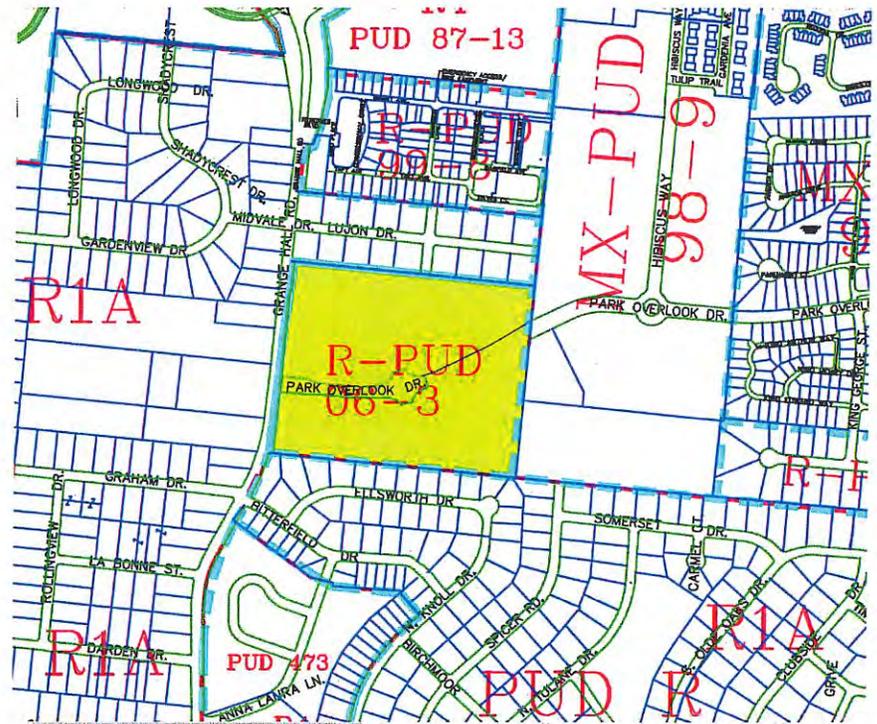
Land Use Plan

The Land Use Plan has this PUD partially designated as Neighborhood Commercial – Office and a majority designated as Medium Density Residential - Office. Assisted living facilities are permitted within residential, commercial and office districts in the Zoning Code, and therefore the request by the applicant for the reduction of medium-density residential to make way for an assisted living and memory care facility in this location, is compatible with the approved Land Use Plan.



Surrounding Zoning

The subject property is immediately adjacent to the north and west by one family residentially zoned (R-1A) properties. To the south is the northern portion of Spicer Heights, which is single family residential PUD. To the east of the PUD is MX-PUD 98-9, which has high density residential (Lofts of Willow Creek) and office developments.



Zoning Changes

As stated above, the only permitted uses on the southern half of the PUD (south of Park Overlook Drive) are the following:

- i. Single Family Dwelling
- ii. Multi-Family Dwelling (no more than 2 units per building)
- iii. Private garages for the storage of vehicles of residents and employees.
- iv. Private swimming pools and club houses for use by residents and guests only.
- v. Those accessory buildings and accessory uses customarily incidental to the permitted principal uses.

The proposed Resolution recommends that Ordinances 06-25 and 10-16 be amended so that the only permitted uses south of Park Overlook Drive shall be:

- i. Assisted living facilities, adult day care and/or retirement communities.
- ii. Two-Family Dwellings (no more than 2 units per building), so long as density within the area associated with Two-Family Dwellings does not exceed density permitted in original Ordinance (2.47 du/ac).

By continuing to allow Two-family dwellings, there will be an opportunity for the construction of semi-independent or independent living duplexes within the southern portion of the PUD.

A 50-foot buffer along the southern boundary of the PUD as well as along Grange Hall Road will be maintained.

Recommendation

Based on this analysis, Planning Commission and staff recommend approval of this request subject to the conditions outlined in the attached Ordinance.



GARDENVIEW

GRANGE HALL

LUJON

HAYES

PARK OVERLOOK

50-Foot Buffer

ELLSWORTH

BUTTERFIELD

KNOLL

RESOLUTION

CITY OF BEAVERCREEK
PLANNING COMMISSION
November 2, 2016

RE: PUD 06-3 Amendment 9/16
First & Main Beavercreek

WHEREAS, the Granger Group, 2221 Health Drive SW, Suite 2200, Wyoming, Ohio 49519, agent for the property owner, has filed an application requesting approval of an amendment to Ordinance 06-25 to construct an assisted living facility on 12.27 acres. This property is further described as Book 1, Page 11, Parcel 67 on the property tax maps of Greene County, Ohio; and

WHEREAS, public hearing was held on October 5, 2016 by the Beavercreek Planning Commission at which time all people who wished to testify gave their comments at the public hearing; and

WHEREAS, the Planning Commission finds that the facts submitted with this 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 §158.068 of the Zoning Code.

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

SECTION I

1. All conditions of R-PUD 06-3 and Ordinance 06-25 and Ordinance 10-16 shall remain in full force and effect except where modified herein.
2. The plan stamped "Received September 12, 2016" highlights the area subject to this zoning amendment and shall be incorporated as part of this zoning amendment approval, except as further modified by the following conditions.
3. The principal and accessory uses permitted in this residential Planned Unit Development shall be amended as follows:
 - A. For the portion of the PUD, south of Park Overlook Dr., the following uses shall be permitted.
 - i. Assisted living facilities, independent living facilities, memory care facilities, adult day care and/or retirement communities.

- ii. Two-Family Dwellings (no more than 2 units per building), so long as density within the area associated with Two-Family Dwellings does not exceed density permitted in original Ordinance (2.47 du/ac).
4. There shall be a 50-foot buffer from the southern property line of the PUD and a 50-foot buffer along Grange Hall Road.
 5. Building plans, designs, and elevations for an assisted living facility, memory care facility, adult day care and/or retirement community, south of Park Overlook Dr. shall be subject to review and approval by the Planning Commission and City Council at the specific site plan stage. The majority of the exterior construction materials must consist of wood, stone, hardy plank and/or brick or other material acceptable to the Planning Commission and City Council at specific site plan stage.
 6. The applicant shall be required to pay all applicable park fees and impact fees as determined by the City Engineer, City Manager, Planning Department, Parks Department, and/or City Attorney prior to releasing the record plan for recording.

SECTION II

These plans and all papers relating to the approved plan shall be submitted with this Resolution to City Council.

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

ADOPTED: November 2, 2016

VOTING FOR ADOPTION: Daniel Archibald
Nicholas Erbes
Michael Self

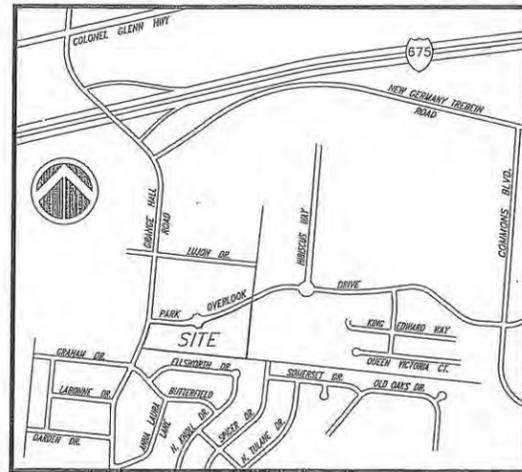
VOTING AGAINST: None

ABSENT: Charles Curran

Chairman

Attest:

PUD 06-3 Amendment 9-16 First & Main Resolution



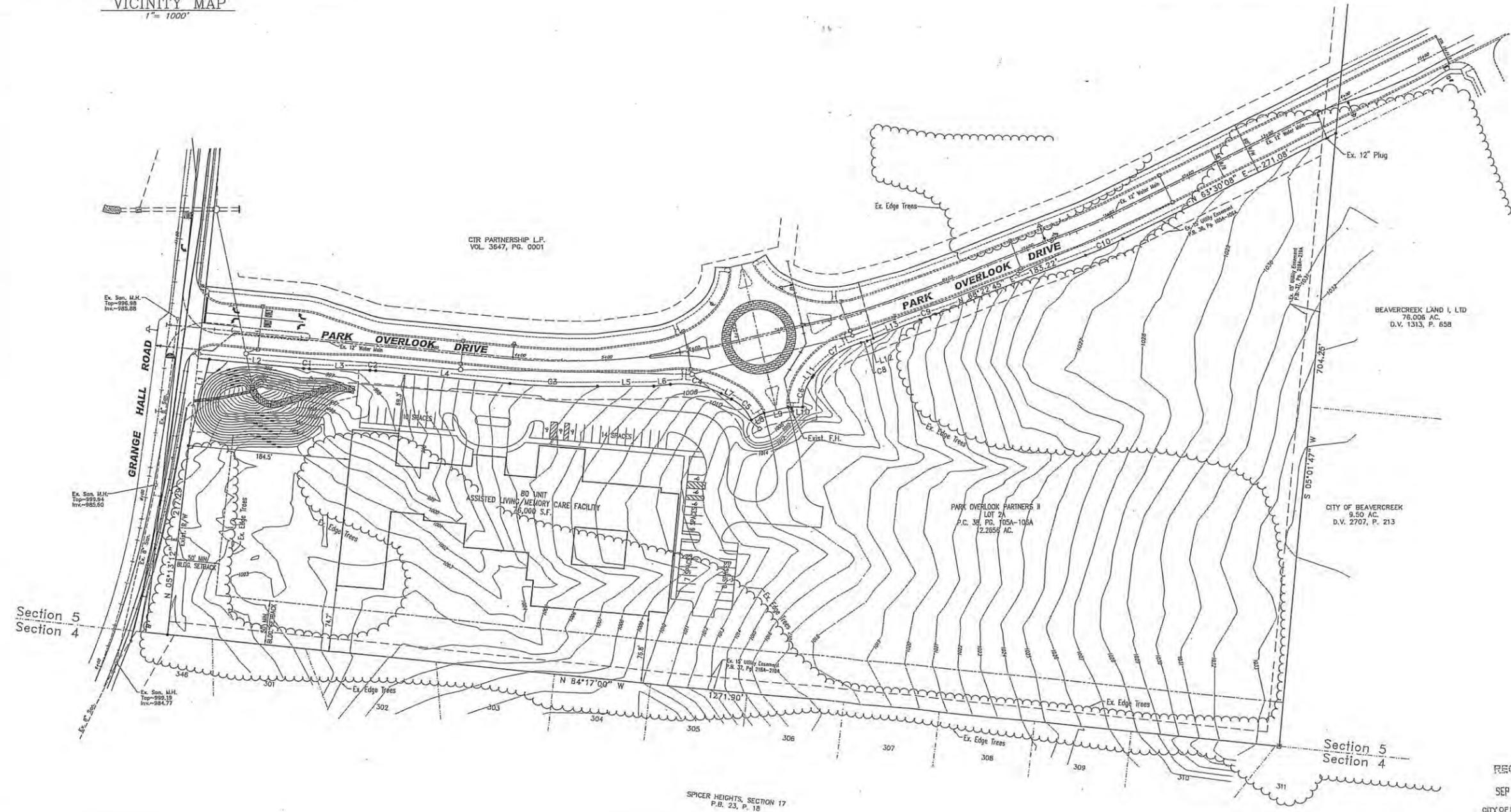
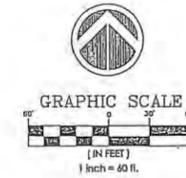
VICINITY MAP
1" = 1000'

Proposed
Plan

- NOTES:
- 1) PROPERTY IS ZONED R-PUD
 - 2) BOUNDARY INFORMATION FROM PARK OVERLOOK PARTNERS II RECORD PLAN AS RECORDED IN P.C. 38, PG 105A-106A
 - 3) TOPOGRAPHIC DATA FROM GREENE COUNTY GIS RESOURCES
 - 4) BUILDINGS AND DRIVES/ROADWAYS ARE SHOWN IN THEIR APPROXIMATE LOCATIONS
 - 5) AREAS: BUILDINGS/DRIVES/PARKING = 1.9685 AC.
GRASS/LAWN = 10.2971 AC.
TOTAL = 12.2656 AC.
 - 6) PROPOSED BUILDINGS: ONE MULTI UNIT ASSISTED LIVING/MEMORY CARE FACILITY

LINE	BEARING	LENGTH
L1	N 12°25'21" E	84.84'
L2	S 84°39'49" E	109.03'
L3	S 88°28'39" E	58.51'
L4	S 84°39'49" E	155.38'
L5	N 89°48'14" E	64.18'
L6	N 83°28'05" E	19.19'
L7	S 62°08'54" E	13.45'
L8	N 61°30'00" E	16.51'
L9	N 76°45'17" E	28.24'
L10	N 89°58'19" E	16.51'
L11	N 36°00'23" E	2.88'
L12	N 68°25'40" E	8.05'
L13	N 68°25'40" E	57.84'

CURVE	RADIUS	ARC	BEARING	CHORD	DELTA
C1	100.00'	6.66'	S 86°34'14" E	6.65'	03°48'51"
C2	100.00'	6.66'	S 86°34'14" E	6.65'	03°48'51"
C3	830.00'	93.84'	S 88°06'35" E	99.78'	06°53'32"
C4	98.75'	59.32'	S 73°21'26" E	58.43'	34°28'00"
C5	53.75'	33.84'	S 44°08'46" E	33.28'	36°04'16"
C6	53.75'	36.24'	N 16°41'23" E	35.56'	38°38'01"
C7	98.75'	66.64'	N 55°20'16" E	65.38'	38°39'46"
C8	834.00'	7.26'	N 74°25'12" E	7.26'	00°29'55"
C9	830.00'	18.26'	N 69°00'35" E	18.26'	01°15'39"
C10	550.00'	46.82'	N 65°56'27" E	46.80'	04°52'37"



**FIRST AND MAIN
AT BEAVERCREEK
GRANGER
GROUP**
Park Overlook Drive

ENGINEER:

REINKE GROUP
959 Congress Park Drive
Dayton, OH 45459
(800) 407-5405

Engineer/ Surveyor / Land Planning
Landscape Architect / GPS Surveying

2 WORKING DAYS
BEFORE YOU DIG

CALL TOLL FREE 800-362-2764
OHIO UTILITIES PROTECTION SERVICE

DEVELOPER:

GRANGER GROUP
2221 HEALTH DRIVE SW
SUITE 2200
WYOMING, OH.
49519

REVISIONS:

DESIGNED BY: _____
DRAWING BY: _____ TIL
DATE: _____ Sept. 12, 2016
JOB NUMBER: _____
TITLE: _____
PUD AMENDMENT
SHEET NUMBER: _____
1
COMMENTS: _____

RECEIVED
SEP 12 2016
CITY OF BEAVERCREEK
PLANNING DEPARTMENT

SPICER HEIGHTS, SECTION 17
P.B. 23, P. 18

ORDINANCE NO. 06-25

CITY OF BEAVERCREEK
SPONSORED BY COUNCIL MEMBER Baker ON THE 23 TH
DAY OF October, 2006.

AN ORDINANCE AMENDING THE ZONING MAP, BY REZONING APPROXIMATELY 27.471 ACRES OF LAND LOCATED ON THE EAST SIDE OF GRANGE HALL ROAD APPROXIMATELY 400 FEET SOUTH OF LUJON DRIVE, FURTHER DESCRIBED AS BOOK 1, PAGE 11, PARCELS, 67, 68, 69, 70 AND 71 ON THE GREENE COUNTY TAX ATLAS, FROM A-1 AGRICULTURAL DISTRICT AND R-1A ONE FAMILY RESIDENTIAL DISTRICT TO R-PUD RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD 06-3).

Whereas, Donald L. Huber Development Corporation, 7333 Paragon Road, Suite 150, Dayton, Ohio 45459 has requested the rezoning; and

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

Whereas, the 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, the City Council finds that, pursuant to §158.071 of the Zoning Code, each and all of the excluded uses are inappropriate for this specific Planned Unit Development; and

WHEREAS, the 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 27.471 acres of land located on the east side of Grange Hall Road approximately 400 feet south of Lujon Drive as such land and is more particularly described in Exhibit "A" attached hereto and incorporated herein, to R-PUD, Residential Planned Unit Development District.

SECTION II

1. The concept plan dated "Received October 18, 2006" is the approved plan and shall be incorporated as part of this zoning amendment approval except as further modified by the following conditions.
2. Principal and accessory uses permitted in this Residential Planned Unit Development shall be only the following:
 - A. Single-family dwellings
 - B. Multi-family dwellings (no more than 2 units per building)
 - C. Private garages for storage of vehicles of residents and employees
 - D. Private swimming pools and club houses for use by residents and guests only.
 - E. Those accessory buildings and accessory uses customarily incidental to the permitted principal uses.

3. The maximum number of residential units shall not exceed 68 units for the 27.471 acres included in this amendment.
4. There shall be a 60-foot buffer from north and south property lines of the PUD and a 50-foot buffer along the property lines shared with the residential lots fronting on Grange Hall Road as shown on the plan dated "Received October 18, 2006".
5. Proposed points of access, types of roads and vehicular circulation, as shown on the concept plan stamped "Received October 18, 2006," are subject to the City Engineer's final review and approval at specific site plan or subdivision stage.
6. Building plans, designs and elevations for residential structures within the 27.471-acre project shall be subject to review and approval by Planning Commission and City Council at specific site plan stage. The majority of the exterior construction materials must consist of wood, stone, hardy plank, and/or brick or other material acceptable to the Planning Commission and City Council at specific site plan stage.
7. The applicant shall be required to pay all applicable park fees and impact fees as determined by the City Engineer, City Manager, Planning Department, Parks Department, and/or the City Attorney prior to releasing the record plan for recording.

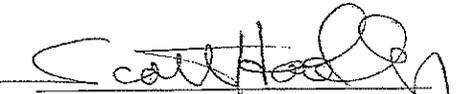
SECTION III

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

SECTION IV

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

PASSED this 27 day of November, 2006.



Mayor

ATTEST:



Clerk of Council

SUMMARY

This Ordinance adopts a recommendation to rezone approximately 27.471 acres of land located on the east side of Grange Hall Road approximately 400 feet south of Lujon Drive from A-1 Agricultural and R-1A One Family Residential District to R-PUD, Residential Planned Unit Development.

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

ORDINANCE NO. 10-16
CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER VANN ON THE 8TH DAY OF NOVEMBER, 2010.

AN ORDINANCE AMENDING ORDINANCE #06-25 TO CONSTRUCT AN 80,000 SQUARE FOOT NURSING HOME WITHIN THE 29.48-ACRE PUD. THIS PROPERTY IS DESCRIBED AS BOOK 1, PAGE 11, PARCELS 67, 68, 69, 70, 71, 72 AND 73 ON THE PROPERTY TAX MAPS OF GREENE COUNTY, OHIO (PUD 06-3, AMENDMENT 9/10).

WHEREAS, Jonathan Woche, McBride Dale Clarion, 5725 Dragon Way, Suite 220, Cincinnati, OH 45227, agent for the property owners, has requested this PUD Amendment; and

WHEREAS, the City of Beavercreek Planning Commission has recommended approval of this PUD Amendment with conditions and requirements; and

WHEREAS, the 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 §158.071 of the Zoning Code; and

WHEREAS, the 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

1. All conditions of R-PUD 06-3 and Ordinance #06-25 shall remain in full force and effect except where modified herein.
2. The two parcels, B42000100110007300 and B42000100110007200, currently zoned R-1A, totaling approximately 2.078 acres shall be incorporated into R-PUD 06-3.

3. The concept plan stamped "Received September 28, 2010" is the approved plan and shall be incorporated as part of this zoning amendment approval, except as further modified by the following conditions.
4. The site plan approved by City Council on March 12, 2007, stamped "Received Jan. 30, 2007", shall be amended. The 34 units approved on the north side of the future Park Overlook Drive, as shown on the concept plan are no longer permitted. The 34 units on the south side of the future Park Overlook Drive, as shown on the concept plan, are still permitted as approved on the January 30, 2007 site plan.
5. The principal and accessory uses permitted in this residential Planned Unit Development shall be the following:
 - A. For the portion of the PUD, north of the future Park Overlook Drive, as shown on the concept plan:
 - i. Nursing homes, assisted living facilities, adult day care and/or retirement communities.
 - B. For the portion of the PUD, south of the future Park Overlook Drive, as shown on the concept plan:
 - i. Single Family Dwelling
 - ii. Multi-Family Dwelling (no more than 2 units per building)
 - iii. Private garages for the storage of vehicles of residents and employees.
 - iv. Private swimming pools and club houses for use by residents and guests only.
 - v. Those accessory buildings and accessory uses customarily incidental to the permitted principal uses.
6. The maximum number of residential units within the 29.48 acre PUD shall be 34, which shall all be located south of the future Park Overlook Drive as shown on the concept plan.
7. There shall be an emergency access drive from this property to the right-of-way at Lujon Drive.
8. There shall be a 60-foot buffer from the north and south property lines of the PUD and a 50-foot buffer along Grange Hall Road. The 60-foot buffer along the northern property line shall include a landscape mound. This mound shall be extended from the northwest corner of the property up to, but shall end at, the emergency access point to Lujon Drive, and shall be shown as such on any specific site plan application that includes the western portion of the

PUD. The mound shall be extended to the northeast corner upon application of a specific site plan which includes construction on the eastern portion of the PUD.

9. Proposed points of access, types of roads and vehicular circulation, as shown on the concept plan stamped "Received September 28, 2010" are subject to the City Engineer's final review and approval at specific site plan or subdivision stage.
10. Building plans, designs, and elevations for a nursing home, assisted living facility, adult day care and/or retirement community, north of the future Park Overlook Drive shall be subject to review and approval by the Planning Commission and City Council at the specific site plan stage. The majority of the exterior construction materials must consist of wood, stone, hardy plank and/or brick or other material acceptable to the Planning Commission and City Council at specific site plan stage.
11. The applicant shall be required to pay all applicable park fees and impact fees as determined by the City Engineer, City Manager, Planning Department, Parks Department, and/or City Attorney prior to releasing the record plan for recording.

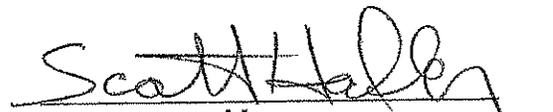
SECTION II

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

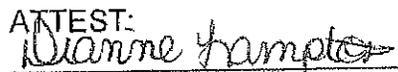
SECTION III

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

PASSED this 13th day of December, 2010.



Mayor

ATTEST:


Clerk of Council

SUMMARY

This Ordinance adopts a recommendation to amend Ordinances #06-25 to construct an 80,000 square foot nursing home within the 29.48-acre PUD.

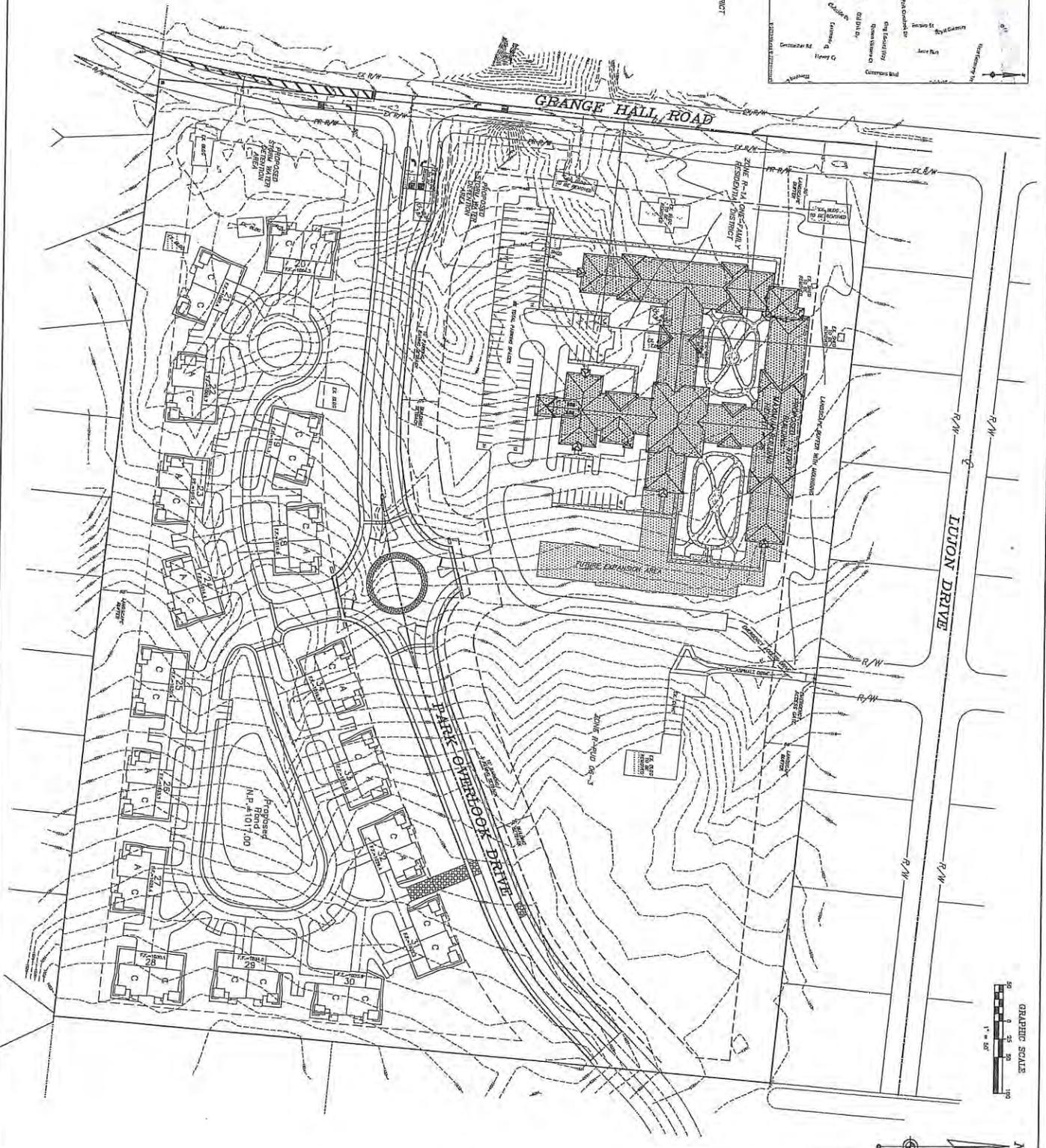
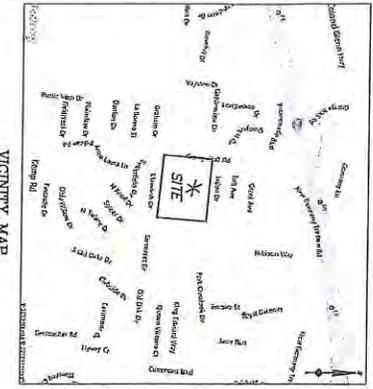
This is not an emergency ordinance and will become effective 30 days after passage.

PUD 06-3 Amendment 9-10 Liberty Nursing Ordinance

Current Concept Plan
Approved
December 2010

UNDERGROUND UTILITIES
 A WARNING DATE
 BEFORE YOU DIG
 800-4-A-DIG
 PHONES 1-800-368-5744
 WWW.8004ADIG.COM
 MEMBERSHIP AND SERVICE AVAILABLE IN ALL STATES

EXISTING ZONING - R-14 ONE-FAMILY RESIDENTIAL DISTRICT
 PROPOSED ZONING - R-14 ONE-FAMILY RESIDENTIAL DISTRICT
 TOTAL AREA OF PUD - 24.00 ACRES ±



PRELIMINARY SITE PLAN
 LIBERTY NURSING CENTER OF BEAVERCREEK
 SECTION 5, TOWN 2, RANGE 7
 CITY OF BEAVERCREEK
 GREENE COUNTY, OHIO

lga
 THOMAS
 GRIFFIN
 ASSOCIATES, INC.
 Engineers
 601 Capital Road
 Cincinnati, Ohio 45231
 Phone # 513-251-2125
 Fax # 513-251-2125

Sheet: SEPT. 21, 2010
 Scale: 1" = 50'
 Job No.: 7727

Drawn by: S.A. THORNTON
 Sheet: 1 of 1
 Job No. 7727-10

ORDINANCE NO. 16-24

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER UPTON ON THE 24TH DAY OF OCTOBER, 2016.

AN ORDINANCE ADOPTING NEW SECTION 76.17 "PARKING OF LARGE AND OVERSIZE VEHICLES ON STREETS" OF THE CITY OF BEAVERCREEK CODE OF ORDINANCES.

WHEREAS, the City Council has determined that it would be in the best interest of the City to adopt a new Section 76.17 in Chapter 76 "Parking Regulations" of the City of Beavercreek Code of Ordinances.

NOW, THEREFORE, THE CITY OF BEAVERCREEK, COUNTY OF GREENE, OHIO, HEREBY ORDAINS:

SECTION I.

New Section 76.17 "PARKING OF LARGE AND OVERSIZE VEHICLES ON STREET" is hereby enacted as follows.

§ 76.17 PARKING OF LARGE AND OVERSIZE VEHICLES ON STREETS.

(a) It shall be unlawful for the driver, owner or operator of an oversized commercial vehicle to park or permit to be parked, stand or remain motionless:

(1) On a public street, including right-of-way, in any area zoned residential under the comprehensive zoning ordinance or used for residential purposes unless the vehicle is being actively loaded or unloaded; or

(2) For more than two hours on a public street, including right-of-way, in any area not zoned residential under the comprehensive zoning ordinance or not used for residential purposes.

(b) It shall be unlawful for the driver, owner or operator of a large recreational vehicle to park or permit to be parked, stand or remain motionless:

(1) On a public street, including right-of-way, in any area zoned residential under the comprehensive zoning ordinance or used for residential purposes; or

(2) On a public street, including right-of-way, in any area not zoned residential under the comprehensive zoning ordinance or not used for residential purposes.

(c) It is an exception to subsection (a) that the oversized commercial vehicle is being parked or allowed to be parked for use at an active construction site for no more than 15 hours in any 24-hour period.

(d) It is an exception to subsection (b)(1) above that the large recreational vehicle is being parked or allowed to be parked, stand or remain motionless for loading, unloading, maintenance, or any combination thereof, for no more than 24 hours in any seven-day period. Relocation of the large recreational vehicle to a location on private property, as long as compliant with the Zoning Code, stops the running of the 24-hour period. Relocation of the large recreational vehicle to an adjoining public street does not stop the running of the 24-hour period.

SECTION II.

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

SECTION III.

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

PASSED this 28th day of November, 2016.

Bob Stone, Mayor

ATTEST:

Dianne Lampton, Clerk of Council

PREPARED BY: CITY ATTORNEY

SUMMARY

THIS ORDINANCE ADOPTS NEW SECTION 76.17 "PARKING OF LARGE AND OVERSIZE VEHICLES ON STREETS" OF THE CITY OF BEAVERCREEK CODE OF ORDINANCES. THIS IS NOT AN EMERGENCY ORDINANCE AND WILL BECOME EFFECTIVE THIRTY (30) DAYS AFTER PASSAGE.

ORDINANCE NO. 16-25

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER JARVIS ON THE 24TH DAY OF OCTOBER, 2016.

AN ORDINANCE REPEALING CURRENT SECTION 70.01 “DEFINITIONS” OF THE CITY OF BEAVERCREEK CODE OF ORDINANCES, AND ADOPTING NEW SECTION 70.01 “DEFINITIONS” OF THE CITY OF BEAVERCREEK CODE OF ORDINANCES.

WHEREAS, Section 70.01 of the City of Beavercreek Code of Ordinances sets forth the definitions for Title VII, Traffic Code of the City of Beavercreek Code of Ordinances; and

WHEREAS, the City Council has determined that it would be in the best interest of the City to update Section 70.01 of the City of Beavercreek Code of Ordinances.

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

SECTION I.

Current section 70.01 “DEFINITIONS” of the City of Beavercreek Code of Ordinances is hereby repealed, and new section 70.01 “DEFINITIONS” is hereby enacted as shown in the document attached to this Ordinance as Exhibit “A” with new language in **bold**.

SECTION II.

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

SECTION III.

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

PASSED this 28th day of November, 2016.

Bob Stone, Mayor

ATTEST:

Dianne Lampton, Clerk of Council

PREPARED BY: CITY ATTORNEY

SUMMARY

THIS ORDINANCE REPEALS CURRENT SECTION 70.01 "DEFINITIONS" OF THE CITY OF BEAVERCREEK CODE OF ORDINANCES AND ADOPTS NEW SECTION 70.01 "DEFINITIONS" OF THE CITY OF BEAVERCREEK CODE OF ORDINANCES. THIS IS NOT AN EMERGENCY ORDINANCE AND WILL BECOME EFFECTIVE THIRTY (30) DAYS AFTER PASSAGE.

EXHIBIT A

§ 70.01 DEFINITIONS.

(A) Except as otherwise provided, the definitions set forth in R.C. § 4501.01 shall apply to this Title, Chapter 90, and the penal laws of the municipality.

(B) For the purpose of this Title and Chapter 90, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGRICULTURAL TRACTOR. Every self-propelled vehicle designed or used for drawing other vehicles or wheeled machinery, but having no provision for carrying loads independently of such other vehicles, and used principally for agricultural purposes.

ALLEY. A street or highway intended to provide access to the rear or side of lots or buildings in urban districts, and not intended for the purpose of through vehicular traffic, and any street or highway that has been declared an **ALLEY** by the Legislative Authority of the municipality in which the street or highway is located.

ARTERIAL STREET. Any United States or state numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.

BEACON. A highway traffic signal with one or more signal sections that operate in a flashing mode.

BICYCLE. Every device, other than a device that is designed solely for use as a play vehicle by a child, that is propelled solely by human power upon which a person may ride, and that has two or more wheels, any of which is more than 14 inches in diameter.

BUS. Every motor vehicle designed for carrying more than nine passengers, and used for the transportation of persons other than in a ridesharing arrangement, and every motor vehicle, automobile for hire, or funeral car, other than a taxicab or motor vehicle used in a ridesharing arrangement, designed and used for the transportation of persons for compensation.

BUSINESS DISTRICT. The territory fronting upon a street or highway, including the street or highway, between successive intersections within the municipality, where 50% or more of the frontage between successive intersections is occupied by buildings in use for business, or within or outside the municipality where 50% or more of the frontage for a distance of 300 feet or more is occupied by buildings in use for business, and the character of the territory is indicated by official traffic-control devices.

CHAUFFEURED LIMOUSINE. A motor vehicle that is designed to carry nine or fewer passengers and is operated for hire pursuant to a prearranged contract for the transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route. "Prearranged contract" means an agreement, made in advance of boarding, to provide transportation from a specific location in a chauffeured limousine. **CHAUFFEURED LIMOUSINE** does not include any vehicle that is used exclusively in the business of funeral directing. (R.C. § 4501.01(LL))

CHILD DAY-CARE CENTER and **TYPE A FAMILY DAY-CARE HOME**. These terms shall have the same meanings as set forth in R.C. § 5104.01.

COMMERCIAL VEHICLE.

(1) A vehicle designed or used primarily to transport property. The term includes a passenger car reconstructed and used primarily for delivery purposes; or

(2) A vehicle displaying the registrant's name, business name, business logo or other contact information affixed on the vehicle.

COMMERCIAL TRACTOR. Every motor vehicle having motive power designed or used for drawing other vehicles, and not so constructed as to carry any load thereon, or designed or used for drawing other vehicles while carrying a portion of the other vehicles, or the load thereon, or both.

CONTROLLED-ACCESS HIGHWAY. Every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right or access to or from the same except at certain points only and in a manner as may be determined by the public authority having jurisdiction over the street or highway.

CROSSWALK.

(a) That part of a roadway at intersections ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway;

(b) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;

(c) Notwithstanding the foregoing provisions of this definition, there shall not be a crosswalk where the Legislative Authority has placed signs indicating no crossing.

DRIVER or **OPERATOR.** Any person who drives or is in actual physical control of a vehicle.

EMERGENCY VEHICLE. Emergency vehicles of municipal, township or county departments or public utility corporations, when identified as such as required by law, the Director of Public Safety, or local authorities, and motor vehicles when commandeered by a police officer.

EXPLOSIVES. Any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by a detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases, such that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb. Manufactured articles shall not be held to be explosives when the individual units contain explosives in limited quantities of such nature or in such packing that it is impossible to procure a simultaneous or a destructive explosion of the units, to the injury of life, limb, or property by fire, friction,

concussion, percussion, or by a detonator, such as fixed ammunition for small arms, firecrackers, or safety fuse matches.

EXPRESSWAY. A divided arterial highway for through traffic with full or partial control of access with an excess of 50% of all crossroads separated in grade.

FLAMMABLE LIQUID. Any liquid which has a flash point of 70°F or less, as determined by a tagliabue or equivalent closed cup test device.

FREEWAY. A divided multi-lane highway for through traffic with crossroads separated in grade and with full control of access.

FUNERAL ESCORT VEHICLE. Any motor vehicle, including a funeral hearse, while used to facilitate the movement of a funeral procession.

GROSS WEIGHT. The weight of a vehicle plus the weight of any load thereon.

HIGHWAY MAINTENANCE VEHICLE. A vehicle used in snow and ice removal or road surface maintenance, including a snow plow, traffic line striper, road sweeper, mowing machine, asphalt distributing vehicle, or other such vehicle designed for use in specific highway maintenance activities.

HIGHWAY TRAFFIC SIGNAL. A power-operated traffic control device by which traffic is warned or directed to take some specific action. The term does not include a power-operated sign, steadily illuminated pavement marker, warning light, or steady burning electric lamp.

HYBRID BEACON. A type of beacon that is intentionally placed in a dark mode between periods of operation where no indications are displayed and, when in operation, displays both steady and flashing traffic control signal indications.

INTERSECTION.

(a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways that join at any other angle might come into conflict. The junction of an alley or driveway with a roadway or highway does not constitute an intersection unless the roadway or highway at the junction is controlled by a traffic control device.

(b) If a highway includes two roadways that are 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway constitutes a separate intersection. If both intersecting highways include two roadways 30 feet or more apart, then every crossing of any two roadways of such highways constitutes a separate intersection.

(c) At a location controlled by a traffic control signal, regardless of the distance between the separate intersections as described in division (b) of this definition:

1. If a stop line, yield line, or crosswalk has not been designated on the roadway within the median between the separate intersections, the two intersections and the roadway and median constitute one intersection.

2. Where a stop line, yield line, or crosswalk line is designated on the roadway on the intersection approach, the area within the crosswalk and any area beyond the designated stop line or yield line constitute part of the intersection.

3. Where a crosswalk is designated on a roadway on the departure from the intersection, the intersection includes the area that extends to the far side of the crosswalk.

LANED HIGHWAY. A highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

LARGE RECREATIONAL VEHICLE.

- (1) A recreational vehicle which exceeds 20 feet in length;
- (2) A boat trailer or other trailer which exceeds 20 feet in length; or
- (3) A converted or partially converted bus which exceeds 20 feet in length.

LOCAL AUTHORITIES. Every county, municipal, and other local board or body having authority to adopt police regulations under the Constitution and laws of this state.

MEDIAN. The area between two roadways of a divided highway, measured from edge of traveled way to edge of traveled way, but excluding turn lanes. The width of a median may be different between intersections, between interchanges, and at opposite approaches of the same intersection.

MOTOR VEHICLE. Every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except motorized bicycles, road rollers, traction engines, power shovels, power cranes and other equipment used in construction work, and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of 25 miles per hour or less.

MOTORCYCLE. Every motor vehicle, other than a tractor, having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including, but not limited to, motor vehicles known as "motor-driven cycle," "motor scooter," "cab-enclosed motorcycle", or "motorcycle" without regard to weight or brake horsepower.

MOTORIZED BICYCLE or MOPED. Any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that may be pedaled, and that is equipped with a helper motor of not more than 50 cubic centimeters piston displacement that produces no more than one brake horsepower and is capable of propelling the vehicle at a speed of not greater than 20 miles per hour on a level surface.

MOTORIZED WHEELCHAIR. Any self-propelled vehicle designed for, and used by, a person with a disability and that is incapable of a speed in excess of eight miles per hour.

MULTI-WHEEL AGRICULTURAL TRACTOR. A type of agricultural tractor that has two or more wheels or tires on each side of one axle at the rear of the tractor, is designed or used for drawing other vehicles or wheeled machinery, has no provision for carrying loads independently of the drawn vehicles or machinery, and is used principally for agricultural purposes.

OPERATE. To cause or have caused movement of a vehicle.

OVERSIZE COMMERCIAL VEHICLE.

(1) Any vehicle designed for the transport of more than 15 passengers, inclusive of the driver;

(2) Trailers which are more than 14 feet in length from end to end, more than seven feet in width at their widest point, or more than seven feet in height at their highest point; or

(3) Any motor vehicle with a gross weight, registered weight or gross weight rating, as those terms are defined in state law, of more than 15,000 pounds, including but not limited to the following:

- a. Dump truck;
- b. Truck-tractor;
- c. Concrete-mixing truck;
- d. Stake-bed truck;
- e. Flat-bed tow truck; or
- f. Panel truck.

PARKING or **PARKED.** The standing of a vehicle upon a street, road, alley, highway or public ground, whether accompanied or unaccompanied by a driver, but does not include the temporary standing of a vehicle for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

PEDESTRIAN. Any natural person afoot.

PERSON. Every natural person, firm, partnership, association or corporation.

POLE TRAILER. Every trailer or semitrailer attached to the towing vehicle by means of a reach, pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

POLICE OFFICER. Every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.

PREDICATE MOTOR VEHICLE OR TRAFFIC OFFENSE. Any of the following:

(a) A violation of R.C. §§ 4511.03, 4511.051, 4511.12, 4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 4511.214, 4511.22, 4511.23, 4511.25, 4511.26,

4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78, or 4511.84;

(b) A violation of R.C. §§ 4511.17(A)(2), 4511.51(A) to (D), or 4511.74(A);

(c) A violation of any provision of R.C. §§ 4511.01 to 4511.76 for which no penalty otherwise is provided in the section that contains the provision violated;

(c) A violation of a municipal ordinance that is substantially equivalent to any section or provision set forth or described in division (a), (b), or (c) of this definition.

PRIVATE ROAD OPEN TO PUBLIC TRAVEL. A private toll road or road, including any adjacent sidewalks that generally run parallel to the road, within a shopping center, airport, sports arena, or other similar business or recreation facility that is privately owned but where the public is allowed to travel without access restrictions. The term includes a gated toll road but does not include a road within a private gated property where access is restricted at all times, a parking area, a driving aisle within a parking area, or a private grade crossing.

PRIVATE ROAD OR DRIVEWAY. Every way or place in private ownership used for vehicular travel by the owner, and those having express or implied permission from the owner, but not by other persons.

PUBLIC SAFETY VEHICLE. Any of the following:

(a) Ambulances, including private ambulance companies under contract to a municipality, township, or county, and private ambulances and nontransport vehicles bearing license plates issued under R.C. § 4503.49;

(b) Motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the state;

(c) Any motor vehicle when properly identified as required by the Director of Public Safety, when used in response to fire emergency calls or to provide emergency medical service to ill or injured persons, and when operated by a duly qualified person who is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service. The State Fire Marshal shall be designated by the Director of Public Safety as the certifying agency for all public safety vehicles described herein;

(d) Vehicles used by fire departments, including motor vehicles when used by volunteer firefighters responding to emergency calls in the fire department service when identified as required by the Director of Public Safety;

(e) Any vehicle used to transport or provide emergency medical service to an ill or injured person, when certified as a ***PUBLIC SAFETY VEHICLE***, shall be considered such a vehicle when transporting an ill or injured person to a hospital, regardless of whether such vehicle has already passed a hospital;

(f) Vehicles used by the Motor Carrier Enforcement Unit for the enforcement of orders and rules of the Public Utilities Commission as specified in R.C. § 5503.34.

RAILROAD. A carrier of persons or property operating upon rails placed principally on a private right-of-way.

RAILROAD SIGN OR SIGNAL. Any sign, signal, or device erected by authority of a public body or official or by a railroad, and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

RAILROAD TRAIN. A steam engine or an electric or other motor, with or without cars coupled thereto, operated by a railroad.

RECREATIONAL VEHICLE. Any vehicle used for recreational purposes. The term includes a travel trailer, camping trailer, truck camper, motor home, snowmobile, all-terrain vehicle, boat, personal watercraft and any trailer used to haul such vehicle.

RESIDENCE DISTRICT. The territory, not comprising a business district, fronting on a street or highway, including the street or highway, where, for a distance of 300 feet or more, the frontage is improved with residences or residences and buildings in use for business.

RIDESHARING ARRANGEMENT. Includes the transportation of persons in a motor vehicle where the transportation is incidental to another purpose of a volunteer driver, and includes ***RIDESHARING ARRANGEMENTS*** known as carpools, vanpools, and buspools.

RIGHT-OF-WAY. Either of the following, as the context requires:

(a) The right of a vehicle or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it, he or she is moving, in preference to another vehicle or pedestrian approaching from a different direction into its, his or her path;

(b) A general term denoting land, property, or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, ***RIGHT-OF-WAY*** includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the state or local authority.

ROAD SERVICE VEHICLE. Means wreckers, utility repair vehicles, and state, county, and municipal service vehicles equipped with visual signals by means of flashing, rotating, or oscillating lights.

ROADWAY. That portion of a highway improved, designed, or ordinarily used for vehicular travel, except the berm or shoulder. If a highway includes two or more separate roadways, the term ***ROADWAY*** means any roadway separately, but not all the roadways collectively.

RURAL MAIL DELIVERY VEHICLE. Every vehicle used to deliver United States mail on a rural mail delivery route.

SAFETY ZONE. The area or space officially set apart within a roadway for the exclusive use of pedestrians, and protected or marked or indicated by adequate signs so as to be plainly visible at all times.

SCHOOL BUS. Every bus designed for carrying more than nine passengers which is owned by a public, private, or governmental agency or institution of learning, and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function; provided ***SCHOOL BUS*** does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of a municipality, or within such limits and the territorial limits of municipalities immediately contiguous to the municipality, nor a common passenger carrier certified by the Public Utilities Commission unless the bus is devoted exclusively to the transportation of children to and from a school session or a school function, and ***SCHOOL BUS*** does not include a van or bus used by a licensed child day-care center or Type A Family Day-Care Home to transport children from the child day-care center or Type A Family Day-Care Home to a school if the van or bus does not have more than 15 children in the van or bus at any time.

SEMITRAILER. Every vehicle designed or used for carrying persons or property with another and separate motor vehicle so that in operation a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle.

SHARED-USE PATH. A bikeway outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non- motorized users.

SIDEWALK. That portion of a street between the curb lines, or the lateral line of a roadway, and the adjacent property lines, intended for the use of pedestrians.

STATE HIGHWAY. A highway under the jurisdiction of the Department of Transportation, outside the limits of municipalities, provided that the authority conferred upon the Director of Transportation in R.C. § 5511.01 to erect state highway route markers and signs directing traffic shall not be modified by R.C. §§ 4511.01 through 4511.79 and 4511.99.

STATE ROUTE. Every highway which is designated with an official state route number and so marked.

STOP. When required, means a complete cessation of movement.

STOP INTERSECTION. Any intersection at one or more entrances of which stop signs are erected.

STOPPING or STANDING. When prohibited, means any halting of a vehicle, even momentarily, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device.

STREET or HIGHWAY. The entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.

THROUGH HIGHWAY. Every street or highway as provided in R.C. § 4511.65, or a substantially equivalent municipal ordinance.

THRUWAY. A through highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited.

TRAFFIC. Pedestrians, ridden or herded animals, vehicles, streetcars, and other devices, either singly or together, while using for purposes of travel any highway or private road open to public travel.

TRAFFIC-CONTROL DEVICE. A flagger, sign, signal, marking, or other device used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or, in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction.

TRAFFIC-CONTROL SIGNAL. Any highway traffic signal by which traffic is alternately directed to stop and permitted to proceed.

TRAILER. Every vehicle designed or used for carrying persons or property wholly on its own structure, and for being drawn by a motor vehicle, including any vehicle when formed by or operated as a combination of a semitrailer and a vehicle of the dolly type, such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a street or highway at a speed greater than 25 miles per hour and a vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of more than ten miles or at a speed of more than 25 miles per hour.

TRUCK. Every motor vehicle, except trailers and semitrailers, designed and used to carry property.

URBAN DISTRICT. The territory contiguous to and including any street or highway which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than 100 feet for a distance of one-quarter of a mile or more, and the character of the territory is indicated by official traffic-control devices.

VEHICLE. Every device, including a motorized bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except that **VEHICLE** does not include any motorized wheelchair, any electric personal assistive mobility device, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power.

ORDINANCE NO. 16-26

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER LITTERAL ON THE 24TH DAY OF OCTOBER, 2016.

**AN ORDINANCE REPEALING CURRENT SECTION 76.99
“PENALTY” OF THE CITY OF BEAVERCREEK CODE OF
ORDINANCES, AND ADOPTING NEW SECTION 76.99 “PENALTY”
OF THE CITY OF BEAVERCREEK CODE OF ORDINANCES.**

WHEREAS, Section 76.99 of the City of Beavercreek Code of Ordinances sets forth the penalties for Chapter 76, Parking Regulations of the City of Beavercreek Code of Ordinances; and

WHEREAS, the City Council has determined that it would be in the best interest of the City to update Section 76.99 of the City of Beavercreek Code of Ordinances.

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

SECTION I.

Current section 76.99 “PENALTY” of the City of Beavercreek Code of Ordinances is hereby repealed, and new section 76.99 “PENALTY” is hereby enacted as shown in the document attached to this Ordinance as Exhibit “A” with new language in **bold** and text to be deleted in ~~strikeout~~.

SECTION II.

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

SECTION III.

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

PASSED this 28th day of November, 2016.

Bob Stone, Mayor

ATTEST:

Dianne Lampton, Clerk of Council

PREPARED BY: CITY ATTORNEY

SUMMARY

THIS ORDINANCE REPEALS CURRENT SECTION 76.99 "PENALTY" OF THE CITY OF BEAVERCREEK CODE OF ORDINANCES AND ADOPTS NEW SECTION 76.99 "PENALTY" OF THE CITY OF BEAVERCREEK CODE OF ORDINANCES. THIS IS NOT AN EMERGENCY ORDINANCE AND WILL BECOME EFFECTIVE THIRTY (30) DAYS AFTER PASSAGE.

Exhibit A

§ 76.99 PENALTY.

Violation of this chapter shall constitute a minor misdemeanor, and the fines for such violations shall be set forth below:

(A) The fine shall be ~~\$4~~ **\$50** for violating §§ 76.01, 76.04 through 76.12, as long as the fine is paid at the Beavercreek Police Department within 48 hours after the parking ticket was issued. Otherwise the fine shall be increased to the amount of ~~\$8~~ **\$75**, also to be paid at the Police Department.

(B) The fine for any overtime parking in the business district under § 76.04~~(N)~~ shall be ~~\$2~~ **\$50**, as long as the fine is paid at the Beavercreek Police Department within 48 hours after the parking ticket issued. Otherwise the fine shall be increased to the amount of ~~\$4~~ **\$75**, also to be paid at the Police Department.

~~(C) The fine for parking in handicapped zones in violation of §§ 76.05(E) or (F) shall be \$50.~~

(C) The fine for parking in violation of § 76.13 shall be ~~\$10~~ **\$50**, as long as the fine is paid at the Beavercreek Police Department within 48 hours after the parking ticket was issued. Otherwise the fine shall be increased to the amount of ~~\$20~~ **\$75**, also to be paid at the Police Department.

(D) Violation of § 76.17 shall constitute a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to a violation of § 76.17, whoever violates § 76.17 is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more violations of § 76.17, whoever violates § 76.17 is guilty of a misdemeanor of the third degree.

~~(DE)~~ The violation of any provision of this chapter for which no penalty is provided shall constitute a minor misdemeanor.

~~(EF)~~ Any person receiving a citation for a violation of this chapter may request, after the parking ticket is issued, at the Beavercreek Police Department a uniform traffic citation for violation of Ohio Revised Code Chapter 4511 giving a court date to appear in a court of competent jurisdiction to contest the violation.

**CITY OF BEAVERCREEK
RESOLUTION NO. 16-27**

SPONSORED BY COUNCIL MEMBER _____ ON THE 28TH DAY OF
NOVEMBER, 2016.

**A RESOLUTION APPROVING A PETITION, ARTICLES OF
INCORPORATION, AND INITIAL PLAN FOR THE CITY OF
BEAVERCREEK (GREENE COUNTY), OHIO ENERGY SPECIAL
IMPROVEMENT DISTRICT.**

WHEREAS, Ohio law was amended by Ohio House Bill 1 of the 128th General Assembly, effective October 15, 2009 and Ohio Senate Bill 232 of the 128th General Assembly effective June 17, 2010, to authorize the creation of Special Improvement Districts (the "District") under Chapter 1710 of the Ohio Revised Code (collectively, the "Act") to allow property owners to petition for special assessments to be levied to pay costs of developing and implementing plans for public improvements and public services that benefit the District, including as provided for in the Act, special energy improvement projects which are defined in Ohio Senate Bill 232 to mean "any property, device, structure, or equipment necessary for the acquisition, installation, equipping, and improvement of any real or personal property used for the purpose of creating a solar photovoltaic project, a solar thermal energy project, a geothermal energy project, a customer-generated energy project, or an energy efficiency improvement, whether such real or personal property is publicly or privately owned"; and

WHEREAS, specifically, the Act provides that a District may be created by petition of the owners of real property within the proposed District. No District may include any property of federal or state government or a county, City or municipal corporation, unless the county, City or municipal corporation specifically requests in writing that the property be included in the District. The Act further provides that any District created may contain non-contiguous parcels of real property if all parcels of real property included in the District contain at least one special energy improvement project and 100% of the owners of the parcels of real property in the District sign a petition requesting inclusion in the District. District boundaries can include parcels of real property located in multiple municipal corporations or townships, so long as each of the municipal corporations or townships is contiguous to one another; and

WHEREAS, MFC Beaver creek, LLC, the owner of real property in the City of Beaver creek, Greene County, Ohio known as the The Mall at Fairfield Commons has executed and delivered a petition attached hereto and addressed to the City Council of the City of Beaver creek, Greene County, Ohio and has submitted with the petition, articles of incorporation and an initial plan for the establishment of a special improvement district under the Act; and

WHEREAS, adoption of this legislation represents the first legislative step in the process of creating the City of Beavercreek (Greene County), Ohio Energy Special Improvement District ("ESID"). The Articles of Incorporation for the ESID provide that the initial participating political subdivision of the ESID will be the City of Beavercreek, Greene County, Ohio; and

WHEREAS, the Act requires that the City Council of the City of Beavercreek, Greene County, Ohio act on the petition within 60 days of the submission. This resolution therefore approves the Petition, the Articles of Incorporation, and the initial plan of the ESID, which approvals will permit the initial special energy improvement project petitioned for by MFC Beavercreek, LLC to be developed in the ESID.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEAVERCREEK, GREENE COUNTY, OHIO, that:

SECTION I.

The City Council of the City of Beavercreek, Greene County, Ohio (the "City") hereby approves the Petition that has been submitted to the City on October __, 2016 and executed and delivered by MFC Beavercreek, LLC, the owner of real property in the City known as the The Mall at Fairfield Commons as the initial parcels of real property to be included in the ESID. The Petition includes a listing of the parcels of real property owned by MFC Beavercreek, LLC to be included in the ESID. The name of the non-profit corporation that will govern the ESID approved hereunder and shown on the articles of incorporation submitted with the petition is "City of Beavercreek (Greene County), Ohio Energy Special Improvement District, Inc."

SECTION II.

The City also hereby approves the Articles of Incorporation of the City of Beavercreek (Greene County), Ohio Energy Special Improvement District, Inc. submitted to the City on October 24, 2016, and included with said Petition. The City hereby appoints _____ to the Board of Directors of the ESID. The City authorizes the City Council to submit the Articles of Incorporation, the Petition, and this Resolution to the Ohio Secretary of State pursuant to Ohio Revised Code Section 1710.02.

SECTION III.

The City also hereby approves the Initial Plan for the ESID submitted to the City on October 24, 2016, included with said Petition (the "Initial Plan") and finds that the public improvements of said Initial Plan will benefit the ESID and will promote the welfare of the people of the City by providing energy efficiency improvements and promoting energy efficiency.

SECTION IV.

It is 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, except as otherwise provided by Ohio Revised Code Section 121.22, all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION V.

This Resolution shall become effective immediately upon its passage.

THIS RESOLUTION IS ADOPTED BY THE Council of the City of Beavercreek, Ohio this 28th day of November, 2016.

Bob Stone, Mayor

ATTEST:

Dianne Lampton, Clerk of Council

**CITY OF BEAVERCREEK
RESOLUTION NO. 16-28**

SPONSORED BY COUNCIL MEMBER _____ ON THE 28TH DAY OF NOVEMBER, 2016.

A RESOLUTION DECLARING THE NECESSITY OF ACQUIRING AND CONSTRUCTING CERTAIN PUBLIC IMPROVEMENTS IN COOPERATION WITH THE CITY OF BEAVERCREEK (GREENE COUNTY), OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT AND THE GREENE COUNTY PORT AUTHORITY.

WHEREAS, Ohio Revised Code Section 1710.06(C) provides that a political subdivision which has approved a petition for special assessments for public improvements in a special improvement district pursuant to Ohio Revised Code Chapter 1710 shall levy said special assessments pursuant to Ohio Revised Code Chapter 727; and

WHEREAS, MFC Beavercreek, LLC (the "Owner") petitioned for the creation of the City of Beavercreek (Greene County), Ohio Energy Special Improvement District (the "ESID") pursuant to Ohio Revised Code Chapter 1710 in part in order to finance the costs of its project, which consists of acquiring, constructing, equipping, improving, and installing energy efficiency improvements on its real property, including, without limitation, the replacement of approximately 400,000 square feet of roofing, installation of approximately 21 energy efficient rooftop HVAC units and related improvements (the "Project"); and

WHEREAS, the City Council (the "Council") of the City of Beavercreek (the "City") has, by Resolution No. 16-27, adopted on November __, 2016, approved the initial petition (the "Petition"), the articles of incorporation, and the initial plan (the "Plan") for, and approved the creation of, the ESID; and

WHEREAS, the Petition, which is attached hereto as Exhibit A and made a part hereof, has been signed by the Owner, who owns one hundred percent (100%) of the real property affected by the Petition (as further described in Exhibit B to the Petition, the "Assessed Properties"), which Petition proposes the necessity of acquiring, constructing, and improving the Project and financing the Project through revenue bonds to be issued by the Greene County Port Authority (the "Authority"); and

WHEREAS, in the Petition the Owner requests that the Project be paid for by special assessments assessed upon the Assessed Properties (the "Special Assessments") in an amount sufficient to pay the costs of the Project, which is estimated to be \$2,719,200, and other related costs of financing the Project, which include, without limitation, the payment of principal of and interest on bonds issued by the Authority to pay the costs of the Project and other interest, financing, credit enhancement, and issuance expenses and ongoing trustee fees and Authority administrative fees and expenses, and requests that the Project be undertaken cooperatively by the City, the ESID, and the Authority in accordance with a Cooperative Agreement, expected to be dated as of December 1, 2016, by and among the City, the Authority, the ESID, the Owner and The Huntington National Bank, as trustee, (the "Cooperative Agreement"); and

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF BEAVERCREEK, GREENE COUNTY, OHIO, that:

SECTION I.

It is hereby declared necessary, and a vital and essential public purpose of the City, to improve the Assessed Properties, which are located at 2727 Fairfield Commons Drive, Beavercreek, Ohio 45431, by providing for the acquisition, construction, and improvement of the Project by the Owner, as set forth in the Petition, and providing for the payment of principal and interest on bonds issued by the Authority to pay the costs of the Project and other related interest, financing, credit enhancement, and issuance expenses and trustee fees and Authority ongoing administrative fees and expenses, all as more fully described in the Petition, the Cooperative Agreement, and the Plan, profiles, specifications, and estimates of cost of the Project, all of which are on file with the Clerk of Council and open to the inspection of all persons interested.

SECTION II.

It is hereby determined that the elements of the Project are so situated in relation to each other that in order to complete the acquisition and improvement thereof in the most practical and economical manner they should be acquired and improved at the same time, with the same kind of materials, and in the same manner; and that elements of the Project shall be treated as a single improvement, pursuant to Ohio Revised Code Section 727.09 and said improvements shall be treated as a joint improvement to be undertaken cooperatively by the City, the Authority, and the ESID pursuant to Ohio Revised Code Sections 4582.43 and 4582.431.

SECTION III.

The City has previously determined and hereby ratifies and declares that the Project is an essential and vital public, governmental purpose of the City as a Special Energy Improvement Project as defined in Ohio Revised Code Section 1710.01(1); that in order to fulfill that essential and vital public purpose of the City, it is necessary and proper to provide, in cooperation with the ESID and the Authority, for the acquisition, construction, and improvement of the Project in the manner contemplated by the Petition, the Plan and the Cooperative Agreement. It is hereby determined and declared that the Project is conducive to the public peace, health, safety and welfare of the City and the inhabitants thereof.

SECTION IV.

The plans, specifications, profiles and estimate of cost of the Project are hereby approved subject to changes as provided for in the Cooperative Agreement and as permitted by Ohio Revised Code Chapter 727 and Ohio Revised Code Chapter 1710.

SECTION V.

Pursuant to and subject to the provisions of a valid Petition signed by one hundred percent (100%) of the property owners of the Assessed Properties, which Petition is hereby accepted, the entire cost of the Project shall be paid by the Special Assessments levied against the Assessed Properties, which are the benefited properties. The provisions of the Petition are

hereby ratified, adopted, approved and incorporated into this Resolution as if set forth in full herein.

This Council hereby accepts and approves the waiver of all further notices, hearings, claims for damages, rights to appeal and other rights of property owners under the law, including but not limited to those specified in the Ohio Constitution, Ohio Revised Code Chapter 727, Ohio Revised Code Chapter 1710, and any applicable laws, resolutions, or rules of the City, and consents to the immediate imposition of the Special Assessments upon the Assessed Properties. This waiver encompasses but is not limited to waivers by the Owner of the following rights:

- (i) The right to notice of the adoption of the Resolution of Necessity under Ohio Revised Code Sections 727.13 and 727.14;
- (ii) The right to limit the amount of the Special Assessments under Ohio Revised Code Sections 727.03 and 727.06;
- (iii) The right to file an objection to the Special Assessments under Ohio Revised Code Section 727.15;
- (iv) The right to the establishment of, and any proceedings by and any notice from an Assessment Equalization Council under Ohio Revised Code Sections 727.16 and 727.17;
- (v) The right to file any claim for damages under Ohio Revised Code Sections 727.18 through 727.22 and Ohio Revised Code Section 727.43;
- (vi) The right to notice that bids or quotations for the Project may exceed estimates by 15%;
- (vii) The right to seek a deferral of payments of Special Assessments under Ohio Revised Code Section 727.251;
- (viii) The right to notice of the passage of the assessing ordinance under Ohio Revised Code Section 727.26; and
- (ix) Any and all procedural defects, errors or omissions in the Special Assessment process.

SECTION VI.

The method of levying the Special Assessments shall be in proportion to the benefits received, equally on a gross per acre basis of the Assessed Properties, as set forth in the Petition.

SECTION VII.

The lots or parcels of land to be assessed for the Project shall be the Assessed Properties, described in Exhibit B to the Petition, all of which lots and lands are hereby determined to be specially benefited by the Project.

SECTION VIII.

The cost of the Project to be paid for directly or indirectly, in whole or in part, by funds derived from the Special Assessments may include, but are not limited to: (a) the cost of creating and operating the ESID, including creating and operating a nonprofit organization, hiring employees and professional services, contracting for insurance, and purchasing or leasing office space or office equipment; (b) the cost of planning, designing, and implementing the Project, including payment of architectural, engineering, legal, appraisal, insurance, consulting, energy auditing, and planning fees and expenses; (c) the cost of printing, serving, and publishing notices, resolutions, and ordinances; (d) the cost of all Special Assessment proceedings; (e) the cost of labor and material, whether furnished by contract or otherwise, in connection with the Project; (f) interest on bonds or notes issued in anticipation of the levy and collection of the Special Assessments; (g) Debt Service Charges and Administrative Expenses, each as defined in the Cooperative Agreement; (h) the total amount of damages and interest thereon, resulting from the Project and assessed in favor of any owner of lands affected by the Project, and any court costs incurred by the district in implementing the Project; (i) the cost incurred in connection with the preparation, levy, and collection of the Special Assessments, including legal expenses incurred by reason of the Project; (j) the costs associated with the sale, lease, lease with an option to purchase, conveyance of other interests in, or other contracts for the acquisition, construction, maintenance, repair, furnishing, equipping, operation, or improvement of the Project; and (k) incidental costs directly connected with the Project.

SECTION IX.

The Special Assessments shall be levied and paid in twenty-eight (28) semi-annual installments pursuant to the list of estimated Special Assessments set forth in the Petition, with interest on the deferred payments at the same rate and for the same period as the bonds or notes to be issued by the Authority to pay the costs of the Project as provided in the Petition; provided that the owner of any property assessed may, at its option, pay the Special Assessment in cash within thirty (30) days after the first publication of the notice of the assessing ordinance.

The capital cost of the Project is estimated to be \$2,719,200. Each semi-annual Special Assessment payment represents the payment of a portion of the principal of and interest on the Authority's revenue bonds and the scheduled amounts payable as the Authority administrative fee, and the trustee fee. In addition to the Special Assessments, the County Auditor of Greene County, Ohio may impose a special assessment collection fee with respect to each semi-annual payment, which amount will be added to the Special Assessments by the County Auditor of Greene County, Ohio.

SECTION X.

Bonds of the Authority, pursuant to the Cooperative Agreement, shall be issued and served by the levy and collection of the Special Assessments by installments and in an amount equal thereto.

SECTION XI.

The Financial Services Administrative Director is hereby authorized and directed to cause to be prepared and filed in the office of the Clerk of Council the estimated Special

Assessments for the cost of the Project in accordance with the method of assessment set forth in the Petition and this Resolution, showing the amount of the assessment against each lot or parcel of land to be assessed.

SECTION XII.

Upon the filing of the estimated Special Assessments with the Financial Services Administrator Director, notice of the adoption of this Resolution and the filing of the estimated Special Assessments shall be served upon the Owner of the Assessed Properties, as provided in Ohio Revised Code Section 727.13. The appropriate officials of the City shall also comply with the applicable procedural requirements of Ohio Revised Code Chapter 727.

SECTION XIII.

The City Council and the Fiscal Officer are each authorized, pursuant to Ohio Revised Code Section 727.12, to cause the Special Assessments to be levied and collected at the earliest possible time including, if applicable, prior to the completion of the acquisition and construction of the Project.

SECTION XIV.

The Special Assessments will be used by the City to meet its obligations under the Cooperative Agreement and are hereby appropriated for such purposes.

SECTION XV.

It is 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, except as otherwise provided by Ohio Revised Code Section 121.22, all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION XVI.

This Resolution shall become effective immediately upon its passage.

THIS RESOLUTION IS ADOPTED BY THE Council of the City of Beavercreek, Ohio this 28th day of November, 2016.

Bob Stone, Mayor

ATTEST:

Dianne Lampton, Clerk of Council

CITY OF BEAVERCREEK, OHIO

ORDINANCE NO. 16-27

SPONSORED BY VICE MAYOR VANN ON THE 24TH DAY OF OCTOBER, 2016.

AN ORDINANCE DETERMINING TO PROCEED WITH THE ACQUISITION, CONSTRUCTION, AND IMPROVEMENT, OF CERTAIN PUBLIC IMPROVEMENTS IN COOPERATION WITH THE CITY OF BEAVERCREEK (GREENE COUNTY), OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT AND THE GREENE COUNTY PORT AUTHORITY AND DECLARING AN EMERGENCY.

WHEREAS, this City Council (the "Council") of the City of Beavercreek, Ohio (the "City") duly adopted Resolution No. 16-28 on October 24th, 2016 (the "Resolution of Necessity") (i) declaring the necessity of acquiring, constructing, and improving energy efficiency improvements, including, without limitation, the replacement of approximately 400,000 square feet of roofing, installation of approximately 21 energy efficient rooftop HVAC units and related improvements (the "Project", as more fully described in the Petition referenced below) located on real property owned by MFC Beavercreek, LLC (the "Owner") and located at 2727 Fairfield Commons Drive, Beavercreek, Ohio 45431 (the "Assessed Properties", as further described in Exhibit B to the Petition); (ii) providing for the acquisition, construction, and improvement of the Project by the Owner, as set forth in the Petition (as that term is defined in the Resolution of Necessity), and the Cooperative Agreement, expected to be dated as of December 1, 2016, by and among the City, the Authority, the ESID, the Owner and The Huntington National Bank, as trustee (the "Cooperative Agreement"), including by levying and collecting special assessments to be assessed upon the Assessed Properties (the "Special Assessments") in an amount sufficient to pay the capital costs of the Project, which is estimated to be \$2,719,200, plus other related costs of financing the Project, which include, without limitation, the payment of principal of and interest on bonds issued by the Authority to pay the costs of the Project and other interest, financing, credit enhancement, and issuance expenses and ongoing trustee fees and Authority administrative fees and expenses; (iii) accepting the Petition; and (iv) determining that the Project will be treated as a special energy improvement project to be undertaken cooperatively by the City, the ESID, and the Authority; and

WHEREAS, claims for damages alleged to result from and objections to the Project have been waived by one hundred percent (100%) of the affected property owners;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAVERCREEK, GREENE COUNTY, OHIO, that:

SECTION I.

It is hereby declared to be the intention of this Council to proceed with the acquisition, construction, and improvement of the Project, as such are described in the Petition and the Resolution of Necessity.

SECTION II.

The Project shall proceed in accordance with the provisions of the Resolution of Necessity, and in accordance with the plans, specifications, profiles and estimate of cost of the Project set forth in the Petition now on file in the office of the Clerk of Council and approved pursuant to the Resolution of Necessity.

SECTION III.

The Special Assessments, in an amount sufficient to pay the capital costs of the Project, which is estimated to be \$2,719,200, plus other related costs of financing the Project, which include, without limitation, the payment of principal of and interest on bonds issued by the Authority to pay the costs of the Project and other interest, financing, credit enhancement, and issuance expenses and ongoing trustee fees and Authority administrative fees and expenses, shall be assessed on the Assessed Properties in the manner and in the number of semi-annual installments as provided in the Petition and the Resolution of Necessity. Each semi-annual Special Assessment payment represents the payment of a portion of the principal of and interest on the Authority's revenue bonds and the scheduled amounts payable as the Authority administrative fee, and the trustee fee. In addition to the Special Assessments, the County Auditor of Greene County, Ohio may impose a special assessment collection fee with respect to each semi-annual payment, which amount, if imposed, will be added to the Special Assessments by the Auditor of Greene County, Ohio.

SECTION IV.

The estimated Special Assessments, heretofore prepared and filed in the office of the Clerk of Council, in accordance with the Resolution of Necessity, are hereby adopted.

SECTION V.

In compliance with Ohio Revised Code Section 319.61, the Clerk of Council is hereby directed to deliver a certified copy of this Ordinance to the County Auditor of Greene County, Ohio within fifteen (15) days after the date of adoption hereof.

SECTION VI.

All contracts for the construction of the Project will be let in the manner provided by law, subject to the provisions of the Ohio Revised Code and the Cooperative Agreement, and the costs of the Project shall be financed as provided in the Resolution of Necessity.

SECTION VII.

It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council and that, except as otherwise provided by Ohio Revised Code Section 121.22, all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION VIII.

This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, welfare and safety of the inhabitants of this City, and for the further reason that this Ordinance is required to be immediately effective to provide for the acquisition, construction, and improvement of the Project to enhance energy efficiency and to better provide for the health of the residents of the City.

WHEREFORE, this Ordinance shall take effect and be in force from and immediately upon its adoption.

ADOPTED by the Council of the City of Beavercreek, Ohio this 28th day of November, 2016.

Bob Stone, Mayor

ATTEST:

Dianne Lampton, Clerk of Council

CITY OF BEAVERCREEK, OHIO

ORDINANCE NO. 16-28

SPONSORED BY COUNCIL MEMBER WALLACE ON THE 24TH DAY OF OCTOBER, 2016.

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN COOPERATION WITH THE CITY OF BEAVERCREEK (GREENE COUNTY), OHIO ENERGY SPECIAL IMPROVEMENT DISTRICT AND THE GREENE COUNTY PORT AUTHORITY AND DECLARING AN EMERGENCY.

WHEREAS, this City Council (the "Council") of the City of Beavercreek, Greene County, Ohio (the "City") duly adopted Resolution No. 16-28 on October 24, 2016 (the "Resolution of Necessity") and declared the necessity of acquiring, constructing, and improving certain public improvements consisting of energy efficiency improvements, including, without limitation, the replacement of approximately 400,000 square feet of roofing, installation of approximately 21 energy efficient rooftop HVAC units and related improvements (the "Project") as described in the Resolution of Necessity and accepted the Petition, as that term is defined in the Resolution of Necessity, by the owners as of the date of this Ordinance of real property designated as Greene County Auditor Parcel Number _____ and being located at the commonly used mailing address 2727 Fairfield Commons Drive, Beavercreek, Ohio 45431 (as further described in Exhibit B to the Petition, the "Assessed Properties") requesting the Project; and

WHEREAS, the Council duly adopted Ordinance No. 16-27 on November __, 2016 (the "Ordinance to Proceed") and determined to proceed with the Project and adopted the estimated Special Assessments (as defined in the Resolution of Necessity) filed with the Clerk of Council pursuant to the Resolution of Necessity;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAVERCREEK, GREENE COUNTY, OHIO, that:

SECTION I.

The list of Special Assessments to be levied and assessed on the Assessed Properties in an amount sufficient to pay the costs of the Project, which is estimated to be \$2,719,200, and other related costs of financing the Project, which include, without limitation, the payment of principal of and interest on bonds issued by the Authority to pay the costs of the Project and other interest, financing, credit enhancement, and issuance expenses and ongoing trustee fees and Authority administrative fees and expenses, which costs were set forth in the Petition and previously reported to this Council and are now on file in the office of the Clerk of Council, is hereby adopted and confirmed, and that there are hereby levied and assessed the Special Assessments on the Assessed Properties. The list of Special Assessments to be levied and

assessed against the Assessed Properties and the schedule of the Special Assessments are attached to this Ordinance as Exhibit A.

SECTION II.

This Council hereby finds and determines that the Special Assessments are in proportion to the benefits received by the Assessed Properties as set forth in the Petition.

SECTION III.

The Owner (as defined in the Resolution of Necessity) has waived its right to pay the Special Assessments in cash, and all Special Assessments and installments thereof shall be certified by the Clerk of Council or the Financial Services Administrative Director to the County Auditor of Greene County, Ohio as provided by law to be placed by him on the tax duplicate and collected when other property taxes are collected and as set forth in the Petition. The Special Assessments shall be used by the City to meet its obligations under the Cooperative Agreement (as defined in the Resolution of Necessity) and are hereby appropriated for such purposes.

SECTION IV.

This Council hereby establishes a special fund for the collection of the Special Assessments, denominated the "Fairfield Commons Special Assessment Fund," as a separate fund maintained on the books and records of the City and to be held in the custody of a bank with which the City maintains a depository relationship. All Special Assessments and all monies related to the Special Assessments paid to the City shall be deposited into the Fairfield Commons Special Assessment Fund and pursuant to the Cooperative Agreement and the appropriation of the Special Assessments by this Council in Section 3 of this Ordinance, the City shall pay the Special Assessments deposited into the Fairfield Commons Special Assessment Fund to The Huntington National Bank, as trustee (the "Trustee") under the Trust Agreement, dated as of December 1, 2016, between the Greene County Port Authority (the "Authority") and the Trustee.

To the extent permitted by law, to secure the City's obligations under the Cooperative Agreement, so long as any bonds shall be outstanding under the Trust Agreement and amounts shall be due and owing under the Trust Agreement, the City assigns to the Authority all of its right, title and interest in and to, and grants to the Authority a security interest in, the Special Assessments received by the City and in the Fairfield Commons Special Assessment Fund, and acknowledges that, pursuant to the Trust Agreement, the Authority grants to the Trustee all right, title and interest of the Authority in and to the Special Assessments, the Fairfield Commons Special Assessment Fund, and in any other property received or to be received from the City under the Cooperative Agreement.

SECTION V.

In compliance with Ohio Revised Code Section 319.61, the Clerk of Council is hereby directed to deliver a certified copy of this Ordinance to the County Auditor of Greene County, Ohio within twenty (20) days after its passage.

SECTION VI.

It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council and that, except as otherwise provided by Ohio Revised Code Section 121.22, all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION VII.

This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, welfare and safety of the inhabitants of this City, and for the further reason that this Ordinance is required to be immediately effective to provide for the acquisition, construction, and improvement of the Project to enhance energy efficiency and to better provide for the health of the residents of the City.

WHEREFORE, this Ordinance shall take effect and be in force from and immediately upon its adoption.

ADOPTED by the Council of the City of Beavercreek, Ohio this 28th day of November, 2016.

Bob Stone, Mayor

ATTEST:

Dianne Lampton, Clerk of Council

EXHIBIT A

LIST OF SPECIAL ASSESSMENTS AND SCHEDULE OF SPECIAL ASSESSMENTS

LIST OF SPECIAL ASSESSMENTS

<u>Name</u>	<u>Assessed Properties Description</u>	<u>Portion of Benefit and Special Assessment</u>	<u>Amount of Special Assessment</u>
MFC Beaver creek, LLC	Greene County Parcel Number: B42000400030000400	100%	\$4,386,705.00

SCHEDULE OF SPECIAL ASSESSMENTS
FOR GREENE COUNTY PARCEL NO. B42000400030000400

The following schedule of Special Assessment charges shall be certified for collection in thirty (30) semi-annual installments to be collected with first-half and second-half real property taxes in calendar years 2017 through 2031:

<u>Parcel Number**</u>	<u>Semi-Annual Payment*</u>
<u>B42000400030000400</u>	\$156,668.00

* The County Auditor of Greene County, Ohio may impose a special assessment collection fee with respect to each semi-annual Special Assessment payment. If imposed, this special assessment collection fee will be added by the County Auditor of Greene County, Ohio to each semi-annual Special Assessment payment.

** As identified in the records of the County Auditor of Greene County, Ohio as of October __, 2016.

CITY OF BEAVERCREEK, OHIO

ORDINANCE NO. 16-29

SPONSORED BY COUNCIL MEMBER LITTERAL ON THE 24TH DAY OF OCTOBER, 2016.

AUTHORIZING THE CITY'S PARTICIPATION IN FINANCING SPECIAL ENERGY IMPROVEMENT PROJECTS IN COOPERATION WITH THE PORT AUTHORITY; AUTHORIZING THE EXECUTION OF DOCUMENTS TO EFFECTUATE SUCH FINANCING; AND DECLARING AN EMERGENCY.

WHEREAS, MFC Beavercreek, LLC (the "Owner") intends to construct special energy improvement projects, as that term is used in Ohio Revised Code Chapter 1710, on certain real **property** located within The City of Beavercreek, Greene County, Ohio (the "City"), including an energy-efficiency grade roof, energy efficient HVAC systems and related improvements (the "Project"); and

WHEREAS, this City Council (the "Council") of the City, the Greene County Port Authority (the "Port Authority"), and the City of Beavercreek (Greene County), Ohio Energy Special Improvement District (the "ESID") each have determined that the most efficient and effective way to implement the financing, acquisition, construction, equipment, improvement, and installation of the Project is through the Cooperative Agreement expected to be dated as of November 1, 2016, to be entered into by and among the Port Authority, the City, the ESID, the Owner, and The Huntington National Bank, as trustee for the Port Authority's bonds issued to finance the Project (the "Cooperative Agreement"); and

WHEREAS, the City has determined, as requested in the Owner's petition, to undertake the Project in cooperation with the Port Authority and the Owner pursuant to the Cooperative Agreement, and the City has undertaken to adopt or pass all legislation required by Ohio Revised Code Chapter 727 and Ohio Revised Code Chapter 1710 in order to levy special assessments on the Owner's property; and

WHEREAS, the Port Authority has determined to undertake the authorization and issuance of port authority revenue bonds payable from special assessments to finance the costs of the Project and otherwise assist in, acquiring, constructing, and improving the Project, which bonds shall be payable from Port Authority revenues, limited to the Special Assessments (as defined in the Cooperative Agreement) transferred by the City.

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

SECTION I.

The City Council of the City of Beavercreek, Greene County, Ohio, hereby approves the Petition that has been submitted to the City on October __, 2016 and executed and delivered by the Owner of 100% of the real property included in the ESID.

SECTION II.

The City Council of the City of Beavercreek, Greene County, Ohio hereby designates the ESID as its agent that may automatically convey the Project materials to the Owner without additional consideration. The Council of the City determines that the Project is not required to be owned by the City or its agent and that the Project will promote the welfare of the people of the City by providing energy efficiency improvements and promoting energy efficiency.

SECTION III.

The financing documents necessary to effectuate the City's participation in the Project, including the Cooperative Agreement, Tax Lien Agreement, and any other documents deemed necessary by the City Manager each in substantially the form presently on file with the Clerk of Council, with such changes as are requested by the City Manager or the Law Director and with only such other changes as are approved by the City Manager and the Law Director, are hereby approved and the City Manager, the Mayor and the Financial Administrative Services Director are hereby authorized to enter into and execute said financing documents and all necessary closing certificates and to take whatever other action is necessary to complete and perform this transaction as determined by the City Manager.

SECTION IV.

Upon the terms contained in the Cooperative Agreement, the City hereby assigns the Special Assessments to the Port Authority, such assignment to take effect upon execution of the Cooperative Agreement.

SECTION V.

The obligations of the City under this Ordinance do not and shall not represent or constitute a debt or pledge of the full faith and credit or the taxing power of the City and no member of Council, officer, official, employee, agent, or legal representative of the City shall be liable personally for any obligations under this Ordinance or the Cooperative Agreement.

SECTION VI.

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council

and that, except as otherwise provided by Section 121.22 of the Ohio Revised Code, all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION VII.

This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, welfare and safety of the inhabitants of this City, and for the further reason that this Ordinance is required to be immediately effective to provide for the acquisition, construction, and improvement of the Project to enhance energy efficiency and to better provide for the health of the residents of the City.

WHEREFORE, this Ordinance shall take effect and be in force from and immediately upon its adoption.

ADOPTED by the Council of the City of Beavercreek, Ohio this 28th day of November, 2016.

Bob Stone, Mayor

ATTEST:

Dianne Lampton, Clerk of Council

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



Meeting Date: NOVEMBER 28, 2016	Reference Topic: ORDINANCE NO. 16-35 TO APPROVE SUPPLEMENTAL APPROPRIATIONS AND CERTIFYING ADDITIONAL REVENUE FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2016, AND ENDING DECEMBER 31, 2016, AND TO AMEND ORDINANCES 15-31, 16-03, 16-08, 16-10, 16-16 AND 16-30.
Agenda Reference No.: VII-I	

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

RESPONSIBLE DEPARTMENT OR AGENCY		
<input checked="" type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Human Resources
<input type="checkbox"/> Parks & Recreation	<input type="checkbox"/> Engineering/Planning	<input checked="" type="checkbox"/> Golf Course
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager

Golf Course (572) – The golf course has one main walk in freezer to store food. Recently the compressor on this unit failed and an immediate repair had to be completed to ensure hundreds of dollars of food was not lost. Three bids were quickly secured and the replacement of the compressor was awarded to Southtown Heating and Cooling. The total amount of this repair was \$2,761, which was not budgeted. Therefore, the cost of the repair and replacement of the freezer compressor for \$2,761 has to be appropriated (572-58-5000-4436 Miscellaneous Equipment).

In October, Southtown Heating and Cooling was also awarded the bid for the emergency replacement of the HVAC (heat and air conditioning). This past week we received a refund check in the amount of \$3,300 from Southtown Heating and Cooling relating to this installation. The reimbursement was from a credit the City received for the duct heater unit that was part of the HVAC repair which was later determined to be in good operating condition and did not have to be replaced. The contractor refunded the market price of the duct heater and sent the City a refund check for the equipment. This refund check has to be certified as revenue (572-497000 Refunds and Reimbursements).

Also when completing the additional appropriations for the golf course under Ordinance 16-16 passed on July 11th, 2016, the City appropriated \$9,259 that was to be an inter-fund transfer (funds transferred from one division to another within the same fund) and therefore did not need to be appropriated. Therefore, to correct this, the City needs to decrease the appropriations to reflect the correct amount of appropriations for this fund in 2016.

The net result of this ordinance is to certify additional revenue of \$3,300, and decrease appropriations by \$6,498 (\$9,259 - \$2,761) as outlined above.

STAFF RECOMMENDATION: Staff recommends adoption of Ordinance 16-35.

**CITY OF BEAVERCREEK, OHIO
ORDINANCE NO. 16-35**

SPONSORED BY COUNCIL MEMBER _____ ON THE 28th DAY OF NOVEMBER, 2016.

TO APPROVE SUPPLEMENTAL APPROPRIATIONS AND CERTIFYING ADDITIONAL REVENUE FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2016, AND ENDING DECEMBER 31, 2016, AND TO AMEND ORDINANCES 15-31, 16-03, 16-08, 16-10, 16-16 and 16-30.

WHEREAS, the annual appropriations for 2016 was authorized in Ordinances 15-31, 16-03, 16-08, 16-10, 16-16, and 16-30 it is now the desire to supplement and amend these appropriations and certifying additional revenue, and

NOW, THEREFORE, THE CITY OF BEAVERCREEK HEREBY ORDAINS:

SECTION I.

That to provide for current expenses and other expenditures of the City of Beavercreek during said fiscal year ending December 31, 2016, the following amendments to certain amounts appropriated in Ordinance 15-31, 16-03, 16-08, 16-10, 16-16 and 16-30, and certifying additional revenue, are hereby authorized, while preserving all other appropriations as previously approved.

REVENUE FUND (FUND #)	INCREASE REVENUE CERTIFICATIONS
GOLF COURSE (572)	\$ 3,300
TOTAL	<u>\$ 3,300</u>

EXPENSE FUND (FUND #)	INCREASE/(DECREASE) APPROPRIATIONS
GOLF COURSE (572)	\$ 2,761
GOLF COURSE (572)	(\$ 9,259)
TOTAL	<u>(\$ 6,498)</u>

SECTION II

In order to conform to the amendments detailed in Section I with the schedule of 2016 annual appropriations previously approved, the Financial Administrative Services Director is hereby directed to prepare and certify a restatement of annual appropriations reflecting all approved appropriations.

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 supplement to the Annual Appropriations Ordinance shall take effect upon adoption, in accordance with Sections 10.04 and 10.10 of the Beaver Creek City Charter.

PASSED this 28th day of November, 2016.

BOB STONE, MAYOR

ATTEST:

CLERK OF COUNCIL

ORD 16-35

SUMMARY

An Ordinance to approve supplemental appropriations and authorize an inter-fund advance for the Fiscal Year ending December 31, 2016.

This is a supplement to the Annual Appropriation Ordinance and in accordance with Sections 10.04 and 10.10 of the Beaver Creek City Charter will become effective immediately upon its passage.

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

Meeting Date: November 28, 2016	Reference Topic: Resolution 16-33 Pay Schedules for Non-Union Full Time Positions and Regular Part Time, Seasonal and Intermittent Positions
Agenda Reference No.: VII-J	

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 type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input 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 resolution provides for Council to set and approve the Pay Schedules for Non-Union Full Time positions (Exhibit "A" & "B") and Regular Part Time, Seasonal and Intermittent positions (Exhibit "C").

Updates to the accompanying Pay Schedules (Exhibit "A" and "B") are a result of the Department of Labor's final rule regarding overtime pay for white collar workers that take effect on December 1, 2016. The new overtime rules bring significant changes, including raising the salary threshold from \$23,660 to \$47,476 a year, or from \$455 to \$915 a week. This salary threshold may rise every three years under the new rules. As such, Grades 201 through 206 have been removed from the Pay Schedules, which were below the new salary threshold. Four positions have been moved to the new minimum salary threshold (Grade 207), and one position has been re-categorized under Non-Union Full Time Classified Positions – Hourly Pay Rates (Exhibit "B") to comply with the new overtime rules.

The Pay Schedule (Exhibit "C") represents the changes for Part-time, Seasonal and Intermittent employees as a result of the increase in Ohio's minimum wage effective January 1, 2017, which reflects an increase in the Consumer Price Index. The minimum wage increased from \$8.10 to \$8.15, an increase of \$.05 an hour for non-tipped employees, and from \$4.05 to \$4.08, and increase of \$.03 an hour for tipped employees. Minor adjustments have been made to Grades 607 through 611 on the Seasonal and Intermittent schedule to reduce compression between grades.

Pay Schedules are proposed to become effective with adoption of a resolution by Council establishing the Pay Schedules for Non-Union Full Time positions (Exhibit "A" and "B") are to become effective December 1, 2016 and Pay Schedule for Regular Part Time, Seasonal and Intermittent positions (Exhibit "C") will become effective January 1, 2017.

STAFF RECOMMENDATION:

It is staff's recommendation that the proposed Pay Schedules covering Non-Union Full Time positions and Regular Part Time, Seasonal and Intermittent positions be approved.

**CITY OF BEAVERCREEK
RESOLUTION NO. 16-33**

SPONSORED BY COUNCIL MEMBER _____ ON THE 28th DAY OF NOVEMBER, 2016.

**RESOLUTION ADOPTING PAY SCHEDULES FOR NON-UNION FULL TIME
CLASSIFIED AND NON-CLASSIFIED POSITIONS AND REGULAR PART TIME,
SEASONAL AND INTERMITTENT POSITIONS.**

WHEREAS, the City desires to update the schedule of pay to retain and recruit employees to serve the City residents.

NOW, THEREFORE, be it resolved by the City Council of Beavercreek, Greene County, Ohio, that:

SECTION I.

The Council hereby adopts the Pay Schedules for Non-Union Full Time Non-Classified Positions (Exhibit "A"), Non-Union Full Time Classified Positions (Exhibit "B") and Regular Part Time, Seasonal and Intermittent Positions (Exhibit "C") attached and incorporated by reference herein.

SECTION II.

Pay Schedules (Exhibit "A" and "B") approved and adopted by this Resolution shall have an effective date of December 1, 2016, and Pay Schedule (Exhibit "C") approved and adopted by this Resolution shall have an effective date of January 1, 2017 and shall be effective for all of calendar year 2017 or until such time as amended or changed by legislative action of this Council.

SECTION III.

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 IV.

This Resolution shall be in full force and go into effect from and immediately after the earliest period allowed by law.

ADOPTED by the Council of the City of Beavercreek, Ohio this 28th day of November, 2016.

Bob Stone, Mayor

ATTEST:

Dianne Lampton, Clerk of Council

**CITY OF BEAVERCREEK
PAY SCHEDULE
NON-UNION FULL TIME NON-CLASSIFIED POSITIONS - ANNUAL SALARY
Effective 12/01/2016**

<u>GRADE</u>	<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
207	\$47,476	\$52,461	\$57,446
208	\$50,557	\$55,866	\$61,174
209	\$54,072	\$59,749	\$65,427
210	\$56,546	\$62,468	\$68,389
220	\$60,759	\$66,070	\$71,382
225	\$63,615	\$69,553	\$75,491
230	\$65,304	\$71,014	\$76,724
240	\$70,202	\$76,341	\$82,479
250	\$75,455	\$82,066	\$88,675
260	\$81,120	\$88,218	\$95,315
270	\$84,534	\$92,181	\$99,829
275	\$85,133	\$94,072	\$103,011
280	\$88,046	\$100,312	\$112,577
285	\$96,464	\$106,114	\$115,765
290	\$105,172	\$113,218	\$121,265

**CITY OF BEAVERCREEK
PAY SCHEDULE
NON-UNION FULL TIME CLASSIFIED POSITIONS - HOURLY PAY RATES
Effective 12/01/2016**

<u>GRADE</u>	<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
310	\$9.46	\$10.44	\$11.43
320	\$10.40	\$11.52	\$12.63
330	\$11.43	\$12.64	\$13.84
340	\$12.63	\$13.93	\$15.22
350	\$13.84	\$15.29	\$16.75
360	\$15.22	\$16.82	\$18.42
400	\$16.14	\$17.57	\$18.98
401	\$16.75	\$18.51	\$20.26
402	\$17.06	\$18.72	\$20.37
403	\$17.35	\$18.88	\$20.41
404	\$18.67	\$20.31	\$21.94
405	\$20.07	\$22.09	\$24.10
406	\$20.26	\$22.26	\$24.25
407	\$21.27	\$23.29	\$25.31
408	\$23.18	\$25.22	\$27.24
409	\$24.92	\$27.10	\$29.27
410	\$26.78	\$29.12	\$31.46
411	\$28.81	\$31.32	\$33.83
412	\$30.97	\$33.01	\$35.04

**CITY OF BEAVERCREEK
PAY SCHEDULE - HOURLY RATES
Effective 01/01/2017**

REGULAR PART TIME

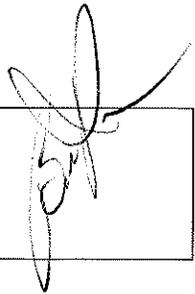
<u>Grade</u>	<u>Minimum</u>	<u>Maximum</u>
900	\$ 4.08 *	\$ 7.44
901	\$ 8.15 *	\$ 9.28
902	\$ 8.68	\$ 12.95
903	\$ 9.88	\$ 14.10
904	\$ 10.19	\$ 15.79
905	\$ 10.85	\$ 18.08
906	\$ 14.65	\$ 19.56
907	\$ 15.39	\$ 29.25

SEASONAL AND INTERMITTENT

<u>Grade</u>	<u>Minimum</u>	<u>Maximum</u>
600	\$ 4.08 *	\$ 7.41
601	\$ 5.30	\$ 8.15
602	\$ 7.15	\$ 8.15
603	\$ 8.15 *	\$ 9.10
604	\$ 8.15 *	\$ 9.51
605	\$ 8.15 *	\$ 9.72
606	\$ 8.15 *	\$ 9.45
607	\$ 8.32	\$ 10.03
609	\$ 8.53	\$ 10.20
610	\$ 8.70	\$ 10.41
611	\$ 8.84	\$ 10.49
613	\$ 9.27	\$ 10.71
615	\$ 9.36	\$ 10.80
617	\$ 9.58	\$ 11.75
619	\$ 10.19	\$ 11.77
620	\$ 10.50	\$ 12.00
621	\$ 10.66	\$ 12.13
623	\$ 11.84	\$ 13.13
625	\$ 13.68	\$ 15.81
630	\$ 15.00	\$ 20.00

* Ohio Minimum Wage

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



Meeting Date: November 28, 2016	Reference Topic: Resolution 16-34 Clerk of Council Wage Adjustment
Agenda Reference No.: VII- K	

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

BACKGROUND AND STAFF SUMMARY:

This resolution provides for Council to set and approve the 2017 wage for the Clerk of Council.

STAFF RECOMMENDATION:

Council has reviewed the Clerk of Council and therefore recommends approval of the resolution.

**CITY OF BEAVERCREEK
RESOLUTION NO. 16-34**

SPONSORED BY COUNCIL MEMBER _____ ON THE 28TH DAY OF
NOVEMBER, 2016.

**A RESOLUTION TO SET AND APPROVE THE 2017 WAGE FOR CLERK
OF COUNCIL.**

WHEREAS, this Council, by custom, has reviewed and set the wage and compensation of Clerk of Council on an annual basis; and

WHEREAS, this Council desires to now set the wage and compensation of Clerk of Council;

NOW, THEREFORE, the City Council of the City of Beaver creek hereby ordains that:

SECTION I.

The 2017 calendar year wage for the Clerk of Council shall be increased by three (3) percent.

SECTION II.

This salary shall have an effective date of January 1, 2017 for the City Clerk. The wage approved and adopted by this Resolution shall be effective for all of calendar year 2017 or until such time as amended or changed by legislative action of this Council.

SECTION III.

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 IV.

This Resolution shall be in full force and go into effect from and immediately after the earliest period allowed by law.

ADOPTED by the Council of the City of Beaver creek this 28th day of November, 2016.

Bob Stone, Mayor

ATTEST:

Dianne Lampton, Clerk of Council

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



Meeting Date: November 28, 2016	Reference Topic: Park Consolidation
Agenda Reference No.: VII. L.	Resolution 16-35

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 checked="" 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:

Staff has explored the concept of consolidating park services with Beaver Creek Township and Beaver Creek Township Park District. In an effort to create more efficient and effective service delivery for Parks, Recreation and Senior Services to the residents of the Beaver Creek community staff recommends consolidation and shared services.

A 5 year 0.9 mil levy would be placed on the ballot November 2017 for the Beaver Creek Park District to operate and maintain all parks currently owned by the City, Township, and Park District.

Once agreement is signed by all 3 parties, a committee will begin work January 2017 to put this levy on the ballot.

STAFF RECOMMENDATION:

Staff recommends that City Council approve the attached resolution authorizing the City Manager to enter into the attached agreement.

CITY OF BEAVERCREEK

RESOLUTION NO. 16-35

SPONSORED BY COUNCIL MEMBER _____ ON THE 28TH DAY OF NOVEMBER 2016.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO CONSOLIDATE PARK ACTIVITIES WITH BEAVERCREEK TOWNSHIP AND THE BEAVERCREEK TOWNSHIP PARK DISTRICT BOARD TO INCLUDE THE OPERATION, MAINTENANCE AND IMPROVEMENT OF PARK AND RECREATION FACILITIES.

WHEREAS, the City of Beavercreek, Beavercreek Township and the Beavercreek Township Park District each own or control properties for use as public parks; and

WHEREAS, Ohio Revised Code Section 755.16 allows for any municipal corporation, township and township park district jointly with one or more municipal corporation, township and township park district to acquire property for, construct, operate, and maintain any parks, playgrounds, playfields, gymnasiums, public baths, swimming pools, indoor recreation centers, educational facilities, or community centers and to equip, operate, and maintain those parks, playgrounds, playfields, gymnasiums, public baths, swimming pools, indoor recreation centers, educational facilities, or community centers and to appropriate money for those purposes. R.C. 755.16 further states that any municipal corporation, township and township park district may contribute lands, money, other personal property, or services to the joint venture, as may be agreed upon; and

WHEREAS, the District, under Ohio Revised Code Chapter 511 encompasses the entire township, has taxing authority over same, and has authority to provide the above services to the Beavercreek community; and

WHEREAS, the City, Township and District have determined that it would be in the best interests of all citizens of the Beavercreek community to enter into a joint venture under which the District will progressively assume the responsibility for the operation, maintenance and improvement of the park and recreation facilities; and

WHEREAS, the City Manager and the Superintendent of Parks and Recreation believe combining these services will benefit the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERCREEK, GREENE COUNTY, OHIO, THAT:

SECTION I. Council hereby accepts the recommendation of the City Manager and the Superintendent of Parks and Recreation and authorizes the City Manager to enter into an agreement with Beavercreek Township and

the Beavercreek Township Park District to consolidate park services in substantially the same form as Exhibit "A".

SECTION II. A copy of the Agreement to Consolidate Park Activities is attached hereto and incorporated herein as Exhibit "A".

SECTION III. This Resolution shall go into effect upon its passage as provided by law and by the Charter of this City.

PASSED this 28th day of November.

Bob Stone, Mayor

ATTEST:

Dianne Lampton, Clerk of Council

PREPARED BY: CITY ATTORNEY

SUMMARY

THIS RESOLUTION AUTHORIZES THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO CONSOLIDATE PARK ACTIVITIES WITH BEAVERCREEK TOWNSHIP AND THE BEAVERCREEK TOWNSHIP PARK BOARD TO INCLUDE THE OPERATION, MAINTENANCE AND IMPROVEMENT OF PARK AND RECREATION FACILITIES.

AGREEMENT TO CONSOLIDATE PARK ACTIVITIES

This is an Agreement by and between the City of Beavercreek, Ohio (hereinafter the "City"), 1368 Research Park Drive, Beavercreek, Ohio 45432; Beavercreek Township (hereinafter the "Township"), 851 N. Orchard Lane, Suite C, Beavercreek, Ohio 45434; and the Beavercreek Township Park District (hereinafter the "District"), 1981 Dayton-Xenia Rd, Beavercreek, Ohio 45434.

WHEREAS, the City owns or controls the properties listed in Exhibit "A" which have been designated for use as public parks; and,

WHEREAS, the Township owns or controls the properties listed in Exhibit "B" which have been designated for use as public parks; and,

WHEREAS, the District owns or controls the properties listed in Exhibit "C" which have been designated for use as public parks; and,

WHEREAS, Section 755.16 of the Ohio Revised Code states that any municipal corporation, township and township park district jointly with one or more municipal corporation, township and township park district may acquire property for, construct, operate and maintain any parks, playgrounds, playfields, gymnasiums, public baths, swimming pools, indoor recreation centers, or community centers and equip, operate, and maintain those parks, playgrounds, playfields, gymnasiums, public baths, swimming pools, indoor recreation centers, or community centers and appropriate money for them. It further states that any municipal corporation, township and township park district agreeing to jointly acquire, construct, operate and maintain any parks, playgrounds, playfields, gymnasiums, public baths, swimming pools, indoor recreation centers, or community centers may contribute lands, money, other personal property, or services to the joint venture, as may be agreed upon; and,

WHEREAS, the District, under Ohio Revised Code 511 encompasses the entire township, has taxing authority over same, and has authority to provide the above services to the Beavercreek community; and,

WHEREAS, the City, Township and District, have determined that it would be in the best interest of all citizens of the Beavercreek community to enter into a joint venture under which the District will progressively assume the responsibility for the operation, maintenance and improvement of the park and recreation facilities identified in Exhibits "A", "B", and "C";

NOW, THEREFORE, IN EXCHANGE FOR THE MUTUAL PROMISES CONTAINED IN THIS AGREEMENT, THE CITY, TOWNSHIP AND DISTRICT HEREBY AGREE AS FOLLOWS:

PHASE 1- INTERIM PERIOD (2017)

1. Purpose. The purpose of the Interim Period is to provide time for the District to study the needs of the Beavercreek community related to the maintenance, operation and improvements of the parks and recreation facilities identified in Exhibits "A", "B" and "C" and to submit a levy to provide that funding; the Interim Period shall commence on the day when this Agreement is signed by the last party.

2. Putting the Levy on the Ballot. The District shall adopt a resolution, in accordance with Section 511.27 (B) of the Ohio Revised Code, to submit to the electors of Beavercreek Township and the City of Beavercreek, the question of the levying of a 0.9 mil tax levy across the entire district for a period of five (5) years which will generate sufficient income to finance the cost of operating, improving and maintaining the public parks identified in Exhibits "A", "B", and "C". Said resolution shall provide for the submission of this question to the electors at the November, 2017 general election to be collected on January 1, 2018. The District agrees to pay for all levy-related expenses, including filing fees, election expense, and associated miscellaneous expenses.

3. Advisor. On approval of the Agreement by all parties, the City will permit and the District will allow the Beavercreek Parks, Recreation and Cultural Superintendent ("Superintendent") to serve as an advisor to the District. The District shall not be obligated to pay any sum to the City for the time and services of the Superintendent. The Superintendent's primary duty shall be to advise the District on the funding necessary to maintain, operate and improve the parks referenced in Paragraph 2 and to recommend high priority projects that will improve park services. The Superintendent will also assist the District in the formulation of its 2018 operating budget. In addition, the Superintendent will represent the District at meetings where the levy will be discussed. The Superintendent shall serve the District in the above capacity until the earliest occurrence of either of the following dates:

- A. The date of certification from the Board of Elections for Greene County, Ohio that the tax levy referenced in paragraph 1 of this Agreement was not approved by a majority of electors; or,
- B. December 31, 2017.

4. Parks Maintenance. During this Interim Period, the City shall continue to maintain its park facilities identified in Exhibit "A". The Township shall maintain its facilities identified in Exhibit "B" as well as the District's facilities identified in Exhibit "C".

5. Operating Budget for 2018. During this Interim Period, the City and Township shall each prepare operating budgets for operation and maintenance

of their respective park facilities and any joint operation during the Joint Operation Period. Each operating budget shall set forth proposed expenditures related to the operation and maintenance of their respective park facilities, the revenues each entity estimates it will collect from activities at its respective park facilities and the anticipated source of those revenues. If any portion of those revenues will be generated from fees to be charged by either entity, a schedule of proposed fees is to be included. These operating budgets and fee schedules are to be provided to the District for its review and comment.

PHASE 2 - JOINT OPERATION PERIOD [2018]

6. Purpose. The purpose of the Joint Operation Period is to enable the District to begin developing an organization which will assume responsibility for the operation, maintenance and improvement of the park facilities in the Beaver Creek community and to transition the operation, management and improvement of those facilities from the City and Township to the District.

7. Start Date. If the November 14, 2017 levy is successful, the Joint Operation Period will commence on January 1, 2018 and terminate on December 31, 2018;

8. Superintendent's Role During Joint Operation Period. During the Joint Operation Period, the Superintendent is to assist the District Board of Commissioners in managing the transition of the operation, management and improvement of the City's and Township's park facilities to the District. The City agrees to allow the Superintendent to provide these services at no additional cost to the District or Township.

9. City and Township Services/Parks Maintenance. During this Joint Operation Period, the City shall provide, perform or cause to be performed the following services for those park facilities identified in Exhibit "A" and the Township shall provide, perform or cause to be performed the following services for those park facilities identified in Exhibits "B" and "C":

- A. Routine maintenance and repair of park equipment, facilities and grounds;
- B. The scheduling, programming, staffing and overseeing of recreational activities;
- C. The collection of revenue derived from recreational activities and an accurate accounting of any such revenue;
- D. An accounting of any expenses, based on generally accepted cost accounting standards, incurred in the scheduling, programming, staffing and overseeing of recreational activities;

- E. The preparation of an annual operating budget for 2019 which sets forth in detail anticipated maintenance expenses;
- F. The providing of assistance and advice to the District in the planning of improvements to park facilities.

The District shall rely on the City and Township to provide for the management, scheduling, programming, staffing, and overseeing of recreational activities during this Joint Operation Period. The City or the Township can agree, either jointly or independently, to continue providing such services for the District beyond the Joint Operation Period.

The District will reimburse the City and Township for all reasonable and customary costs incurred by each for managing, scheduling, programming, staffing and overseeing each party's park facilities in the calendar year 2018.

10. Expenses, Income, and Reimbursement. The City and Township shall keep accurate records of all expenses incurred in providing the services required by paragraph 9 and of all income received from any source related to the operation of their respective park facilities during the Joint Operation Period. All parties agree that once the first tax settlement payment is received by the District, the City and Township may invoice the District for their expenses minus any income received. The invoices will cover the time period being invoiced and will be itemized by labor costs, equipment costs, the cost of any outside contractors needed for repairs to park facilities, fuel costs and other applicable categories. Within 30 days of receipt of any said invoice, the District will provide reimbursement to the Township and/or City.

11. District Staffing. During the Joint Operation Period, the District agrees to identify key positions it plans to staff in 2018, prepare job descriptions and initiate the hiring process.

12. Leases. At the end of the Joint Operation Period or when the District receives its first tax settlement payment generated by its initial tax levy, whichever event occurs first, the City and the Township agree to lease to the District for the sum of One Dollar (\$1.00) per year, the park facilities described in Exhibits "A" and "B" unless there are legal restrictions which would prevent them from doing so. Said leases shall be for a period equivalent to the term of this Agreement as stated in paragraph 22. Said leases shall provide that the District shall be totally responsible for all costs associated with the maintenance of the park facilities identified in Exhibits "A" and "B" and for programming, staffing and overseeing of recreational programs at those facilities.

13. Creation of Park Advisory Committee. During the Joint Operation Period, the District shall create a Park District Advisory Committee which shall consist of five (5) members to be appointed as follows:

- A. The Beavercreek City Manager or their designee;
- B. The Beavercreek Township Administrator or their designee;
- C. One (1) resident of the City of Beavercreek designated by the Beavercreek City Council;
- D. One (1) resident of the unincorporated area of Beavercreek Township designated by the Board of Trustees of Beavercreek Township;
- E. One (1) resident of either the incorporated or unincorporated area of Beavercreek Township designated by Beavercreek Township Park District Board of Commissioners;

Each person shall be appointed for a period of two (2) years. The Park District Advisory Committee is to recommend programs, procedures, capital improvement projects, land acquisitions, review annual budget, review and recommend Park District Commissioner candidates and bylaws for the operation of the District. Any such recommendation shall not be binding upon the District.

PHASE 3 - FULL OPERATION PERIOD

14. Purpose. During the Full Operation Period, the District shall be totally responsible for the programming, staffing and overseeing of recreational programs at the facilities identified in Exhibits "A" & "B" and for the maintenance and upkeep of those facilities.

15. Start Date. The Full Operation Period shall commence upon the conclusion of the Joint Operation Period on January 1, 2019 and terminate upon the termination of this Agreement.

16. Park District Services. During this Full Operation Period, the District, with advice from the Advisory Committee, shall provide for services, programs and staffing as may be determined to be prudent by the District's Board of Commissioners so as to provide the entire Beavercreek community with quality recreational programs and facilities.

GENERAL PROVISIONS

17. Existing Operating Leases/Agreements. It is the intent of the District to honor all existing agreements and leases to which the City and Township are parties which relate to the operation of the park facilities identified in Exhibits "A" and "B". The City and Township agree to provide the Park District with a current list of any such agreements and leases within thirty (30) days of any written request from the District for such information.

18. Capital Improvements Undertaken Under This Agreement. Any permanent fixed assets installed by the District at any of the recreational facilities identified in Exhibits "A" & "B" shall be considered the property of the entity owning the facility at which the fixed asset is installed. However, should the facility at which the District has installed any permanent fixed asset be sold, the District shall be paid by the seller an amount equal to the fair market value of the fixed asset at the time of the sale.

19. Capital Improvements Prior to This Agreement. The parties hereby acknowledge that certain capital improvements and fixed assets have previously been purchased by either the Township and/or the City. These certain improvements or fixed assets are listed in Exhibit "D" and shall be deemed to be solely owned by the entity whose name appears opposite the description of the improvement or equipment.

20. Insurance. During the term of this Agreement, the City and the Township shall each maintain liability insurance in amounts which they each deem to be appropriate insuring their respective interests. The District shall likewise maintain liability insurance in an amount not less than One Million Dollars (\$1,000,000.00) designating the City and Township as additional insureds.

21. Effective Date. This Agreement shall become effective the day on which it is last approved by either the City, Township or District.

22. Term of Agreement. This Agreement shall commence on _____, 2017 and shall terminate on December 31, 2027 unless terminated earlier in accordance with the terms of this Agreement. At the expiration of this initial term, this Agreement shall extend for a fifteen (15) year term excepting that during the last sixty (60) days of the first ten (10) year term, any party may seek to renegotiate the terms of this Agreement. If the parties are unable to renegotiate the Agreement, the fifteen (15) year term will automatically commence subject to the right of any party to give notice of termination as herein provided.

23. Termination of Agreement. This Agreement may be terminated upon the agreement of all three parties at any time. If the tax levy referenced in Paragraph 1 of this Agreement should fail, the Agreement will terminate automatically on the date the Board of Elections for Greene County, Ohio certifies the result of the election. If, subsequent to the passage of the levy referenced in Paragraph 1 of this Agreement, should any levies submitted to the electors by the District fail prior to January 1, 2028, either the City, Township or District may terminate this Agreement upon giving written notification to the other parties within twelve (12) months following the date of any election at which a subsequent park district levy is not approved by the electors.

- A. Termination. If this Agreement is terminated during the Interim or Joint Operation Periods, the City and the Township will each be responsible for all costs and expenses associated with the operation and maintenance of their facilities up to the date of termination. If this Agreement is terminated during the Full Operation Period, the District shall be solely responsible for all costs and expenses associated with the operation and maintenance of the facilities identified in Exhibits "A" and "B"
- B. Asset Distribution. If this Agreement should be terminated, all leases in existence as a result of paragraph 12 of this Agreement shall terminate. If within five (5) years of the date of the termination of this Agreement, should the City or Township sell any park facility identified in Exhibits "A" & "B" upon which any capital improvements may have been made during the term of this Agreement, the entity which expended public funds to make any such capital improvement shall be reimbursed. The reimbursement amount shall be based upon the fair market value at the time of sale. If the entities cannot agree upon the amount of reimbursement, the issue is to be submitted to the presiding judge of the Common Pleas Court of Greene County, Ohio for adjudication without the filing of a Complaint. The court's decision shall be binding upon all parties. If the entity does not exercise its option to seek reimbursement, the owner may dispose of said capital improvements or fixed assets without restriction.

24. Official Notice. Any notice required or permitted to be given to any party to this Agreement under the provisions of the Agreement shall be deemed given on the date of the postmark of certified mail. If hand-delivered, such notice shall be deemed given when dated and signed by an authorized representative of the person upon whom service is made.

25. Grant Applications. The City and the Township hereby agree that if either party retains ownership of the park facility as maintained and operated by the District, they shall not unreasonably withhold approval of any grant application for funding that is requested by the District.

26. Governmental Restrictions. All parties agree that the park facilities identified in Exhibits "A" & "B" shall be owned and operated within the guidelines and restrictions previously imposed by any governmental entities which loaned, gifted or granted funds, equipment or improvements for said park facilities.

27. Assignment. This Agreement shall not be assigned or conveyed to any other party without the express written consent of all parties to this Agreement. This Agreement shall be binding and inure to the benefit of all parties or successors and assigns. No amendments or modifications to the Agreement shall be effective unless in writing and signed by the parties. This Agreement may be executed in one or more copies, each of which shall be deemed an original.

28. Land Acquisition. The City, Township, and District agree to cooperatively study the acquisition of new parcels of real estate to be used for recreational activities.

29. Township & City Collection of Park Fees in Lieu of Land. During the period of this Agreement, if the City or Township is presented with a proposed subdivision resulting in the developer offering land for a potential park or money in lieu of the dedication of such park land, the District is to be given the opportunity to recommend to the City or Township which option is preferable from the District's perspective. Any fee collected in lieu of any park land dedication shall be deposited in a separate fund.

30. Stop Collection of City Park Levy. On date of certification from the Board of Elections for Greene County, Ohio that the tax levy referenced in paragraph 1 of this Agreement was approved by a majority of electors; the City of Beavercreek shall notify the County Auditor to stop collection of the City's 0.9 mil Park Levy effective January 1, 2018. During the first quarter of the full operational period (2019), the City will use any remaining fund balance from the City Park Levy to pay for some of the operational expense of the Park District.

31. City & Township Contribution. Effective January 1, 2018, upon successful passage of the November 2017 Park Levy, the City and Township agree to contribute to the Park District an amount not to exceed 75% of the 2016 parks general fund budgeted amount for the first six (6) years.

IN WITNESS THEREOF, this Agreement is binding upon execution by all intended parties.

CITY OF BEAVERCREEK, OHIO

Michael A. Cornell, City Manager

Date

BEAVERCREEK TOWNSHIP

Alex Zaharieff, Administrator

Date

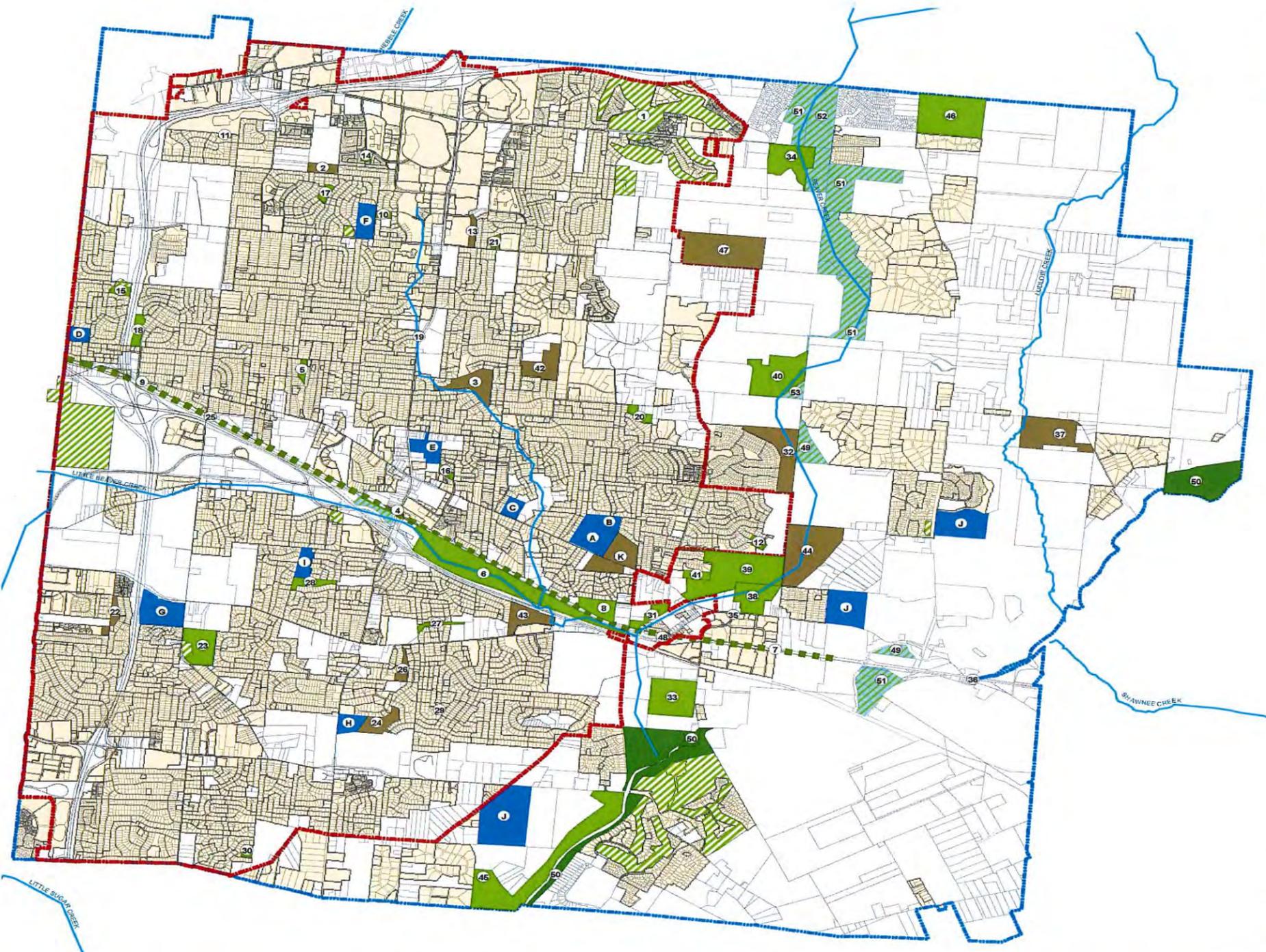
BEAVERCREEK PARK DISTRICT

Robert Darden, Chairman

Date

**Exhibit A
Parks Owned by City of Beavercreek**

							FACILITIES										
Facility			Planning	Park	Devel.	Total	Tennis	Baseball/ Softball	Volley- ball	Soccer	Basketball Courts	Play- ground	Paved Trails (Miles)	Unpaved Trails (Miles)	Picnic Shelter	Restroom	Other Comments
Name	Address	Label	District	Type	Acres	Acres	Courts				Courts		(Miles)	(Miles)			
Parks in the City	Address																
Overlook Reserve	Park Overlook Dr	2	N	Undeveloped	0	10											
Beavercreek Senior Center	3968 Dayton-Xenia Road																Senior Adult Center, Community Theater
Beavercreek Station	1153 N Fairfield Rd	4	N	Undeveloped	0	1.2											Restroom and parking along Creekside Trail
C.I. Beaver Park	3696 Highmont Street	5	N	Neighborhood	2.25	5.2					1	1					Footbridge; C.I. Beaver Hall
Creekside Trail		7	N	Linear	5.48	60.048							4.52				
EJ Nutter Baseball Complex	865 Factory Road	8	N	Community	18.5	22.07		5				1			3		Concession building.
Fifth-Third Gateway Park and Ride Facility	4231 Dayton-Xenia Road	9	N	Linear	0.31	0.31											Gazebo; Water fountain and vending machines; Portable restroom; Memorials; Park and ride.
Gerspacher Park	2364 Gerspacher Drive	10	N	Neighborhood	0.2	3.45						1			1		Large field; Walking trail through woods.
Grangeview Acres Park	2816 Blythe Court	11	N	Mini-Park	0.97	0.97					1	1			1		Large field; Backstop.
Hunter's Ridge Park	2133 Marchfield Way	12	N	Neighborhood	5.11	5.11						1			1		Large field; Pond.
John Ankeney Soccer Complex	Orchard Lane	33	T-S	Special Use	58.9	58.9				30					1		Concession building; Supply/maintenance barn; 1/3 owned by city. BSA owns 35.91 acres.
Royal Point Park	3041 Park Overlook Drive	14	N	Neighborhood	3.87	3.87						1			1		Gazebo; Open field.
Saville Farm Estates Park	1950 Wilene Drive	15	N	Neighborhood	6	6				1		1					Open field.
Shoup Park	1341 Meadowbridge Drive	16	N	Neighborhood	3.92	3.92					0.5	1			1		Mound slide; Large field.
Spicer Heights Park	3704 Edge Park Drive	17	N	Neighborhood	5	5						1	0.33		1		Large field; Fitness par course.
Summerfield Park	1789 Stedman Lane	18	N	Neighborhood	0.7	10.48				1		1					Soccer goal.
Veterans Memorial Park	1911 N. Fairfield Road	19	N	Special Use	0.31	0.31											Gazebo; Granite and paver memorials; Statue; Flag poles; Granite bench.
Virgallito Park	2569 Lantz Road	20	N	Neighborhood	3.78	8.11		1				1			1		Soccer goal.
Wartinger Park	3080 Kemp Road	21	N	Special Use	4.48	4.48											Four small log houses and one barn; Large herb garden; Marie Wartinger Memorial Garden.
Cinnamon Ridge Park	4070 Willow Run Drive	22	S	Undeveloped	0	9.671											
Dominick Lofino Park	640 Grange Hall Road	23	S	Community	19.5	34.29	4					1			2	1	7-acre lake and dock; Skate park; Amphitheater.
Fox Run Park	3358 Southfield Drive	24	S	Undeveloped	0	20											Butterfly garden; Outdoor classroom seating facility.
Grange Hall Bikeway Access	1440 Grange Hall Road	25	S	Linear	0.85	0.85											
Merrick Park	3179 Creekside Drive	27	S	Linear	0	5.57											Footbridge.
Stafford Park	3636 Crab Orchard Avenue	28	S	Neighborhood	0.5	11.67						1					Open field; Footbridge
Tara Park	405 Millstone Drive	29	S	Mini-Park	0	2.35											
Walnut Grove Park	410 Mulberry Trail	30	S	Neighborhood	4.54	4.54						1			1		Open field.



Legend

- City Boundary
- Township Boundary
- Roads
- Rivers/Creeks
- Schools
- A. Beaver Creek High School
- B. Ferguson Middle School
- C. Main/West Main Elementary Schools
- D. Parkwood Elementary School
- E. Saint Luke Elementary School
- F. Shaw Elementary School
- G. Ankeney Middle School
- H. Fairbrook Elementary School
- I. Valley Elementary School
- J. Future School Sites
- K. Beaver Creek High School Land Lab
- City, Township, or County Parks/Open Spaces
- 1. Beaver Creek Golf Course
- 2. 10 Acre Woods (Recently acquired)
- 3. Bullskin Run Property
- 4. Beaver Creek High School Land Lab
- 5. Beaver Creek Station
- 6. CI Beaver Park
- 7. Creekside Reserve Area (Greene County)
- 8. Creekside Trail
- 9. EJ Nutter Baseball Complex
- 10. Fifth-Third Gateway Park & Ride Facility
- 11. Gerspacher Park
- 12. Grangeview Acres Park
- 13. Hunter's Ridge Park
- 14. Lofno Mound
- 15. Royal Point Park
- 16. Saville Farm Estates Park
- 17. Shoup Park
- 18. Spicer Heights Park
- 19. Summerfield Park
- 20. Veterans Memorial
- 21. Virgillio Park
- 22. Wartinger Park
- 23. Cinnamon Ridge Park
- 24. Dominick Lofno Park
- 25. Fox Run Park
- 26. Grange Hall Bikeway Access
- 27. Coy Homestead
- 28. Merrick Park
- 29. Stafford Park
- 30. Tara Park
- 31. Walnut Grove Park
- 32. Community Park/Girl Scout Memorial Park
- 33. Hunter's Pointe
- 34. John Ankeney Soccer Complex
- 35. Koogler Reserve (Beaver Valley)
- 36. Leist Park
- 37. Maxwell Park, Shaw Lane
- 38. Pershing/Fairgrounds
- 39. Phillips Park
- 40. Rotary Park
- 41. Siebenthaler Fenn Park
- 42. Victory Park
- 43. Karohi Park (Greene County)
- 44. Hershner Property
- 45. Mitigation Site (Greene County)
- 46. Narrows Reserve
- 47. Radar Park
- 48. Russ Property (Greene County)
- 49. Alpha Mill
- 50. Greene Co. Board of Park Commissioners
- 51. Little Miami Inc.
- 52. State of Ohio Dept. of Natural Resources
- 53. Beaver Creek Wetlands Association
- 54. Siebenthaler Co.
- Parks by Others/Golf Courses
- Creekside Trail
- Undeveloped City/Twp./County Owned Open Space
- Wetlands
- Preserves (Little Miami Inc.)
- Subdivision

BEAVERCREEK

RESOLUTION NO. 16-36

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER _____ ON THE 28TH DAY OF NOVEMBER, 2016.

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

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

WHEREAS, the City of Beavercreek seeks to extend the moratorium to allow City Council time to accomplish the City's goals and help ensure the public peace, health, safety, and welfare of its citizens.

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

SECTION I. The City Manager hereby recommends extending the current moratorium on the granting of permits for medical marijuana-related businesses in the City of Beavercreek for a period of six months ending July 25, 2017

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

SECTION III. City Council hereby directs and orders that no permits for cultivators, processors, or retail dispensaries of medical

marijuana shall be issued or processed by the City of Beaver Creek during the current moratorium and during the additional six month period of this moratorium extension.

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

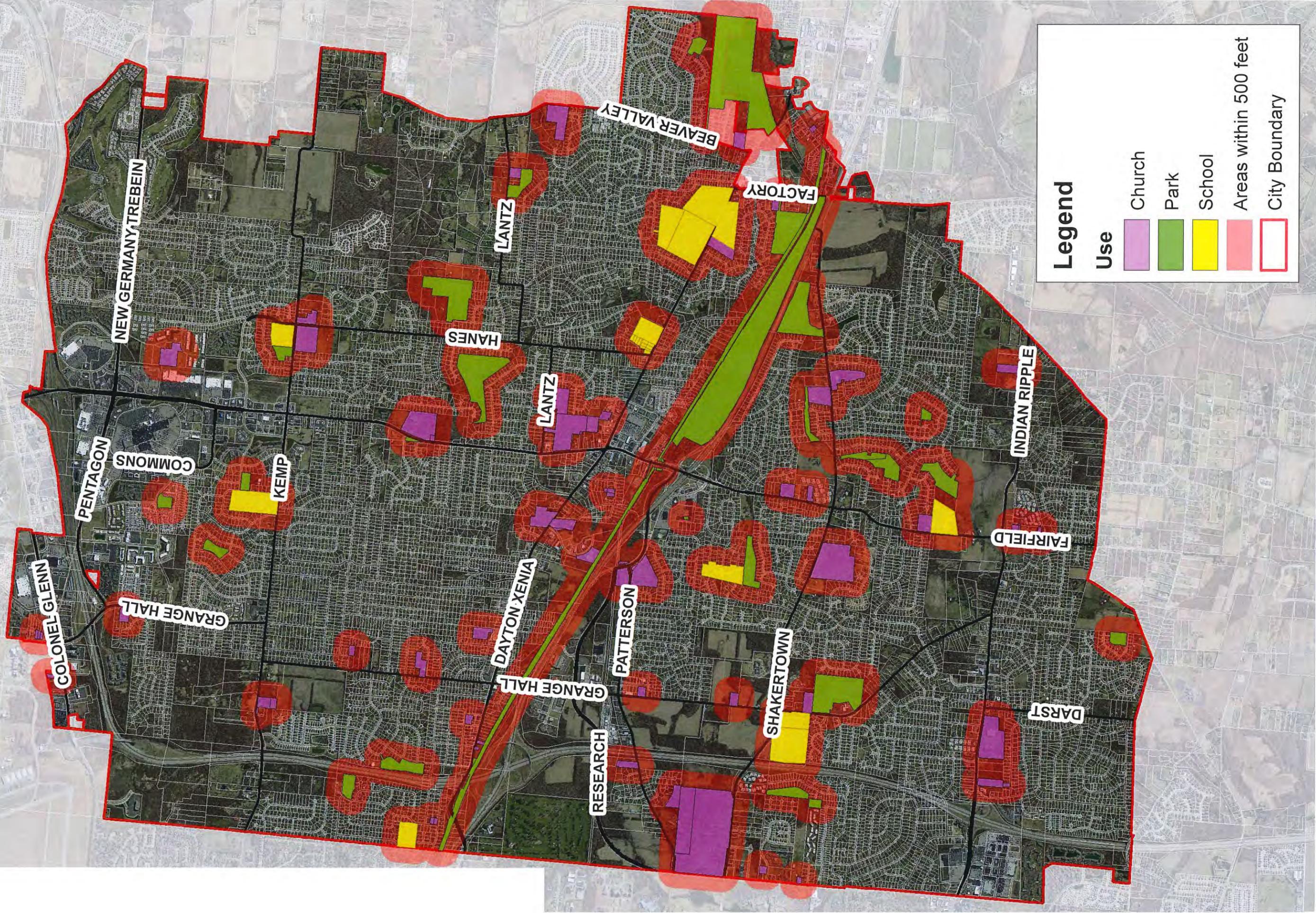
PASSED this 28th day of November, 2016.

Bob Stone, Mayor

ATTEST:

Dianne Lampton, Clerk of Council

Areas within 500 feet of Churches, Schools or Parks



Inter-Office Memorandum

October 21, 2016

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

From: Bill Kucera, Financial Administrative Services Director

Subject: Financial Analysis – Third Quarter 2016

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

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

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

General Fund (101):

Revenues:

Property Tax Revenue: The City has received its final property tax settlement. Based on the County Auditor’s conservative estimates and the collection of delinquent taxes the City received \$1.356m or \$47.5k more than last year representing a 3.6% increase.

Fees, License and Permits: This category saw a decrease of \$24k over last year as a result of a decrease in planning and zoning fees and franchise fees when year compared to last year. Recent developments should allow the City to reach the projected revenue of \$70k for 2016 and franchise fees should be on budget by the end of the year.

Intergovernmental Revenues: This category saw an \$80k or 9.6% decrease over last year as a result of the timing of the rollback and homestead revenue allocation from the state which has not yet been released by the state. In 2015, we received the revenue in September. This was also noted in the Police and Street funds. Local Government funds has shown only a \$2.7k decrease when compared to last year. Both are expected to meet the budget by year end. Hotel/Motel revenue has shown a \$14.9k increase (+5.2%) over last year. The SpringHill suites, a new hotel near the Fairfield Mall, opened in September which should allow for increased revenue by year end.

Interest Revenue: Year to date revenue is \$50k which is an increase of \$12.5k or 34% increase over last year as a result of the increase in the State’s Star Ohio fund interest rates which has finally exceeded 1/2%. Exhibit 4 represents the investment summary for the third quarter.

Other Revenues/Transfers: Interfund transfer revenue decreased by \$24.6k or 4.7% over last year as a result of updating the administrative charge policy for the major operating funds for fiscal year 2016.

Expenditures:

As noted in the year to date column of Exhibit 1, total expenditures for the General Fund are at 70% of the 2016 budget. All Divisions are within the 75% benchmark. Contractual services had a major increase over last year as the result of the property and liability insurance premium increase. This represents a \$70k increase in the General Fund and was the result of our past experience with several large claims which were anticipated and budgeted. This same scenario applies to the Police and Street funds. The major decrease in the cemetery was based on capital expenditures in 2015.

Police Fund (202):

Revenues:

The City received \$164k or (2%) more in property tax than last year.

Charges for Services: The charges for services increase of \$107.4k was the result of the new School Resource Officer (SRO) agreement with the Schools signed in 2015 which added a SRO to the middle school. If you recall this agreement also increased the number of hours being allocated to the school which resulted in an increase in the percentage of expenses recovered from 50% to 60%. We have received all revenue budgeted in this line item as of June 30th per the new agreement.

Intergovernmental and Other Revenue: The decrease in Intergovernmental revenues is the result of the timing in receiving State rollback and homestead revenue (See General Fund). Also, grant proceeds have been reduced by \$13k when comparing 2016 with 2015. This is the result of having the STEP grant being placed in the Police Grant Fund (Fund 245) in 2016 when it was recorded in the Police Levy Fund (202) last year. This was a grant audit recommendation that was implemented and explains the entire difference.

Expenditures:

Police Department expenditures are 68% of the 2016 budget, however this represents a \$253k increase from 2015. The majority of this increase was the result of being fully staffed the third quarter of 2016 including one new officer compared to last year. All expenditure were in line with the budget.

Another critical item that we continue to monitor is overtime and compensatory time (See Overtime and Comp Time Analysis, Exhibit 3). Finally meeting staffing levels, police overtime has decreased \$44k (or 18%) compared to last year's total and only 64% of the annual budget. During this period, there was a decrease in compensatory (comp) time hours accrued of 239 hours.

Street Levy Fund (203):

Revenues:

In 2016, the City received \$11k or .3% less in property tax revenue compared to the third quarter of last year. Intergovernmental Revenue had a significant decrease of over \$718k when compared to last year as a result of a significant decrease in reimbursable grants for capital projects budgeted in 2016. The "Other Revenue" category is showing a significant increase and is the result of the proceeds from a capital lease for the new \$210k long striper paint truck.

Expenditures:

Overall, operating expenditures were only 66% of the 2016 budget, a 4.7% increase from last year. The large portion of the increase, \$69.7k, was the result of higher property and liability insurance costs based

on the City's previous experience rating. There is also a \$61k increase in the Traffic Safety Division as a result of a retirement payout (\$20k) and the budgeted monthly capital lease payments for the long striper which total \$22k year to date.

The City's practice is to budget for a normal snow and ice occurrence year. This past winter was a bit milder than last year as there were only 12 events this year compared to 20 last year. This and the City's alternative salt application processes (using 8,000 gallons of brine in advance of the storms) helped to conserve salt utilization. Approximately 2,700 tons of material was used this season compared with 4,300 last season (a decrease of 37%). The reduced number of events also resulted in a decreased use of overtime which was \$60.5k or 49% less than 2015 (See Exhibit 3). This is further evidenced by the reduction in comp time which totaled 623 hours accrued this year compared to 1,272 last year which represents 649 hours or 51% reduction. The other operational savings was that the City did not have to purchase additional salt to finish the winter session which was done in the past. The City made a late purchase of salt under the existing contract prices and the salt barn is near capacity and ready for the upcoming season.

Street Maintenance (204) & State Highway Fund (205):

Revenues:

The Street Maintenance Fund receives the majority of its funding from gasoline taxes and license fees. This year the City received \$1.4m or \$3.8k less than last year but slightly above (76%) the third quarter benchmark.

The collaborative effort with the Township to provide gas and diesel fuel along with a ten cent per gallon administrative charge is functioning efficiently and has proven to be mutually beneficial for both entities. To date the City has received nine payments totaling \$45.5k.

Expenditures:

The City budgeted \$1.639m in capital improvements for 2016. Only 46% of these funds have not been expended through the third quarter of the year largely due to the timing of payment for capital expenditures. The annual paving project was a success with the lower asphalt pricing. This year with the revenue from this fund (\$1m) and another \$1m in the Street Capital Improvement Fund (260) the City was able to initially complete 13.3 lane miles and was able to add an additional two lane miles to the annual project. This is compared to 13.9 miles last year and 5.9 miles in 2014 before the additional levy funding.

Street Capital Improvement Fund (260):

The City received \$2.623m in property taxes which represented a \$169.7k or 6.9% increase over 2015. The budget for this capital improvement fund is \$6.4m and the City has only expended \$3.1m or 48%. Many of these projects are underway and the majority of expenditures will be coming through in the next quarter.

Recreation Levy Fund (279):

The City received \$1.18m in property taxes for this levy which was a \$36k (or a 3.1%) increase over 2015. Recreational Program division expenditures are at 39% of the total budget as the result of \$1.5m Lofino Plaza renovation that will begin in the final quarter of the year. Recreational charges for services have increased \$30.2k as a result of the increase in program events and participation. This corresponds to an increase in Park Maintenance division wages for additional staff to handle the increased programming. In addition, this division had a significant increase in equipment purchases to replace aging equipment throughout the department which accounts for an additional \$77k in increased

expenditures. Senior Center expenditures are below the 75% benchmark but significantly lower than last year when the center experienced significant water damage that required major repair work and carpet replacement.

Golf Course (572):

Revenues:

Golf and Pro Shop: With the mild dry weather this year, the golf course continued its golf operations revenue trend. As a result, greens fee revenue was \$399k or \$20k more than last year. Cart fees were also up over \$3.2k based on the increased traffic. The number of rounds increased by 100 to 22,621 which is slightly higher than last year's total. Annual passes are \$71.4k down \$18.6k from last year. This is the result of nine pass holders not renewing their membership. Three moved out of the area and six did not renew for various other reasons. This annual pass program is being reevaluated for next year. Merchandise and special order sales are \$114.9k, a \$15.2k increase, representing a 15.3% increase when compared to last year.

Food and beverage sales are close to last year's levels. Food and beverage revenue was \$397k compared to \$402k last year. This year the golf course started a new daily buffet to provide golfers and visitors an alternative to the made to order menu which has been successful since its inception this spring. The course booked 14 weddings this year compared to 13 last year at this time. Despite the slow start, wedding bookings are projected to reach 28 this year which is three more than last year. Room rentals and accessory rentals are showing a 10% increase compared to last year due to the increased number of events being booked at the course. Although bookings are up, the average wedding size has been reduced by 33% over previous year bookings. Brunch sales are down 15% to \$16.4k since the monthly brunch event did not start until May. These are scheduled to continue once a month through December.

For the 11th year, the golf course hosted two sessions of the junior golf program. They again were very well attend with over 128 attendees. Also the new policy of "children under 12 play free with a paying adult" has attracted 419 rounds which is almost double that of the first year this was implemented. This emphasizes the goal of continuing to promote and support future golfers. The golf course also hosted the 2016 OHSAA Boys Division I and III district championships. By hosting this event the golf course experienced an increase in rounds by 525 (tournament rounds and practice rounds) and increased revenue by approximately \$22,400. The 2017 OHSAA Boys Division II and Girls Division I districts have already been booked for 2017.

Expenditures:

Operating expenditures were \$101k more than last year which is 79% of the annual operating budget. The increase in operating expenditures in the golf operations division was due to the final payment on work performed to insulate the walls and ceiling to reduce energy costs and prevent future water pipe breaks that occurred during the past two years.

The golf course also completed several capital projects including the bridge renovations at three holes, installation of a new patio awning and the third of the four year paving program has been completed. This was done utilizing the regional street paving program which resulted in reduced costs for the project. The savings on these capital projects along with the Coca Cola sponsorship revenue will enable the golf course to drill a new well for water at the maintenance facility and to purchase new banquet chairs that have not been replaced since the course was opened. The golf course also experienced several unanticipated capital expenditures. As noted above there was a serious leak in the potable water line at the maintenance facility. After analysis, it was determined the leak may have been under the apartment complex and could not be repaired. Therefore, the decision was to shut down the leak through various

valves and in the long term drill our own well, versus using Greene County water to supply the golf course with water which long term would be more cost effective. This resulted in an unanticipated expenditure of \$14,800 for the well, and the cost associated with paying the potable water usage to Greene County. In addition, the original HVAC system (20 years old) for the building failed and had to be replaced at \$15,500. In addition, the walk in cooler compressor died and since this was original equipment, the cooler was replaced versus being repaired which cost \$6,000. This increase costs for emergency expenditures by \$39,000. All other operating expenditures are in line.

Overtime & Comp Time: We continue to monitor overtime and compensatory time accrued. Although in some cases this is not controllable (snow events, employee injuries, city sponsored events) other times, overtime can be somewhat maintained through proper planning. The attached Overtime and Comp Time Analysis (Exhibit 3) shows that overtime citywide has decreased \$108k (or approximately 27.5%) over last year's third quarter. Comp time accrued in 2016 was only 1,349, a 45.4% decrease over last year. The majority of this was related to the mild winter this year compared to last year. Comp time accruals have reduced the estimated future liability to \$113k which is a decrease of 4.4% over the comp time liability in June 2016.

Investments: (Exhibit 4)

Since March the Finance Department has immediately been transferring property tax funds to the Star Ohio fund to increase short term interest returns. The returns with Star Ohio are currently .62% compared to .25% for our Public Funds account (City bank account). To provide a further breakdown of the investment strategy, a "Portfolio" report was generated to summarize the different facets of the investment portfolio. Overall, the City's return on investments is .76% which is slightly higher than the 12 month treasuries benchmark as of September 30th (.59%). Invested cash balances will continue to through the rest of the year until the City starts receiving property tax distributions in the first quarter of 2017.

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

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

Cc: Department Directors

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

GENERAL FUND (101)					
REVENUE	AMENDED 2016 BUDGET*	3RD QUARTER 2016 YTD ACTUAL	3RD QUARTER 2015 YTD ACTUAL	2016-2015 COMPARISON	% FY 2016 REV/EXP
PROPERTY TAXES	\$ 1,264,790	\$ 1,355,863	\$ 1,308,361	\$ 47,502	107%
FEES, LICENSE & PERMITS	\$ 710,000	\$ 550,132	\$ 574,208	\$ (24,076)	77%
INTERGOVERNMENTAL REVENUES	\$ 965,239	\$ 749,765	\$ 829,442	\$ (79,677)	78%
SPECIAL ASSESSMENTS	\$ 145,000	\$ 138,883	\$ 140,607	\$ (1,724)	96%
CHARGES FOR SERVICES	\$ 70,500	\$ 74,041	\$ 68,882	\$ 5,159	105%
INTEREST	\$ 42,500	\$ 50,172	\$ 37,672	\$ 12,500	118%
OTHER REVENUES/TRANSFERS	\$ 663,610	\$ 503,448	\$ 528,142	\$ (24,694)	76%
TOTAL REVENUE	\$ 3,861,639	\$ 3,422,304	\$ 3,487,314	\$ (65,010)	89%
% Increase/(Decrease) over 2015				(1.9%)	
EXPENDITURES					
COUNCIL	\$ 108,246	\$ 65,517	\$ 80,830	\$ (15,313)	61%
CLERK	\$ 91,622	\$ 67,093	\$ 67,511	\$ (418)	73%
CITY MANGER	\$ 415,966	\$ 231,543	\$ 224,894	\$ 6,649	56%
HR/RISK MGMT	\$ 96,141	\$ 70,225	\$ 69,409	\$ 816	73%
FINANCE	\$ 421,119	\$ 309,391	\$ 289,337	\$ 20,054	73%
INFORMATION TECHNOLOGY	\$ 177,179	\$ 123,597	\$ 117,722	\$ 5,875	70%
CONTRACTUAL SERVICES	\$ 433,756	\$ 292,373	\$ 252,321	\$ 40,052	67%
BLDG FACILITIES MAINTENANCE	\$ 135,207	\$ 81,048	\$ 86,815	\$ (5,767)	60%
CEMETERY MAINTENANCE	\$ 191,590	\$ 139,252	\$ 176,216	\$ (36,964)	73%
PLANNING & ZONING BOARDS	\$ 6,465	\$ 3,340	\$ 4,894	\$ (1,554)	52%
PLANNING & ZONING ADMIN	\$ 628,582	\$ 453,501	\$ 440,392	\$ 13,109	72%
DISTRICT LIGHTING	\$ 90,000	\$ 60,987	\$ 58,109	\$ 2,878	68%
CAPITAL IMPROVEMENTS	\$ 30,000	\$ 1,366	\$ -	\$ 1,366	5%
TRANSFERS OUT	\$ 1,560,591	\$ 1,171,193	\$ 1,098,293	\$ 72,900	75%
TOTAL EXPENDITURES	\$ 4,386,464	\$ 3,070,426	\$ 2,966,743	\$ 103,683	70%
% Increase/(Decrease) over 2015				3.5%	

*Includes carry over encumbrances from 2015

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

POLICE DEPARTMENT (202)

	AMENDED	3RD QUARTER	3RD QUARTER	2016-2015	% FY 2016
	2016 BUDGET*	2016 YTD ACTUAL	2015 YTD ACTUAL	COMPARISON	REV/EXP
REVENUE					
TAXES	\$ 7,719,780	\$ 8,208,266	\$ 8,044,700	\$ 163,566	106%
FEES, LICENSES, & PERMITS	\$ 69,100	\$ 45,530	\$ 57,039	\$ (11,509)	66%
INTERGOVERNMENTAL REVENUES	\$ 1,116,177	\$ 513,773	\$ 972,424	\$ (458,651)	46%
CHARGES FOR SERVICES	\$ 395,538	\$ 297,735	\$ 190,303	\$ 107,432	75%
OTHER REVENUE	\$ 160,211	\$ 86,699	\$ 100,278	\$ (13,579)	54%
TOTAL REVENUE	\$ 9,460,806	\$ 9,152,003	\$ 9,364,744	\$ (212,741)	97%
				(2.3%)	
EXPENDITURES					
BLDG FACILITIES MAINT	\$ 140,546	\$ 57,753	\$ 71,952	\$ (14,199)	41%
POLICE ADMIN	\$ 230,360	\$ 165,173	\$ 161,529	\$ 3,644	72%
SUPPORT SERVICES	\$ 550,105	\$ 369,902	\$ 368,412	\$ 1,490	67%
COMMUNITY RELATIONS	\$ 121,873	\$ 89,877	\$ 87,870	\$ 2,007	74%
COMMUNICATIONS	\$ 1,065,870	\$ 760,041	\$ 726,423	\$ 33,618	71%
EMERGENCY DISPATCH -911 Funds	\$ 59,760	\$ 43,352	\$ 40,753	\$ 2,599	73%
CORRECTIONS	\$ 235,207	\$ 171,052	\$ 164,050	\$ 7,002	73%
ALLOCABLE SUPPORT	\$ 1,419,184	\$ 908,699	\$ 954,729	\$ (46,030)	64%
INVESTIGATIONS	\$ 754,756	\$ 638,329	\$ 485,260	\$ 153,069	85%
POLICE OPERATIONS	\$ 5,372,803	\$ 3,537,472	\$ 3,387,419	\$ 150,053	66%
OFF DUTY TRUST ACCOUNT	\$ 79,390	\$ 36,845	\$ 79,878	\$ (43,033)	46%
COPP PROGRAM	\$ 3,000	\$ -	\$ 527	\$ (527)	0%
TRANSFER TO DEBT SERVICE	\$ 73,405	\$ 55,054	\$ 51,490	\$ 3,564	75%
TOTAL EXPENDITURES	\$ 10,106,259	\$ 6,833,549	\$ 6,580,292	\$ 253,257	68%
				3.8%	

*Includes carry over encumbrances from 2015

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

STREET LEVY (203)

	AMENDED	3RD QUARTER	3RD QUARTER	COMPARISON	% FY 2016
	2016 BUDGET*	2016 YTD ACTUAL	2015 YTD ACTUAL	2016-2015	REV/EXP
REVENUE					
TAXES	\$ 4,118,180	\$ 4,327,295	\$ 4,338,486	\$ (11,191)	105%
FEES, LICENSE & PERMITS	\$ 18,750	\$ 4,938	\$ 15,606	\$ (10,668)	26%
INTERGOVERNMENTAL REVENUES	\$ 566,611	\$ 274,975	\$ 993,124	\$ (718,149)	49%
OTHER REVENUES	\$ 226,760	\$ 236,902	\$ 128,041	\$ 108,861	104%
TOTAL REVENUE	\$ 4,930,301	\$ 4,844,110	\$ 5,475,257	\$ (631,147)	98%
				(11.5%)	
EXPENDITURES					
ENGINEERING	\$ 226,915	\$ 122,832	\$ 125,465	\$ (2,633)	54%
BLDG FACILITIES MAINT	\$ 251,451	\$ 172,088	\$ 170,141	\$ 1,947	68%
STREET INSPECTION	\$ 505,192	\$ 379,829	\$ 360,740	\$ 19,089	75%
ADMINISTRATION	\$ 589,330	\$ 460,618	\$ 390,922	\$ 69,696	78%
STREET MAINTENANCE	\$ 1,439,436	\$ 1,040,188	\$ 1,032,409	\$ 7,779	72%
SNOW & ICE CONTROL	\$ 418,785	\$ 178,601	\$ 180,794	\$ (2,193)	43%
WEED & GRASS CONTROL	\$ 338,397	\$ 222,404	\$ 215,122	\$ 7,282	66%
VEHICLE & EQUIP MAINT.	\$ 301,698	\$ 198,085	\$ 198,005	\$ 80	66%
TRAFFIC SAFETY	\$ 923,761	\$ 506,646	\$ 445,686	\$ 60,960	55%
STORM WATER MAINT.	\$ 307,307	\$ 203,993	\$ 209,509	\$ (5,516)	66%
Total Operating Expenditures	\$ 5,302,272	\$ 3,485,284	\$ 3,328,793	\$ 156,491	66%
				4.7%	
CURRENT YEAR CAPITAL	\$ 375,000	\$ 229,839	\$ 811,151	\$ (581,312)	61%
TRANSFERS OUT	\$ 10,906	\$ 8,179	\$ 7,650	\$ 529	75%
TOTAL EXPENDITURES	\$ 5,688,178	\$ 3,723,302	\$ 4,147,594	\$ (424,292)	65%
				(10.2%)	

% Increase/(Decrease) over 2015

% Increase/(Decrease) over 2015

% Increase/(Decrease) over 2015

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

STREET MAINTENANCE FUND (204)					
	AMENDED	3RD QUARTER	3RD QUARTER	COMPARISON	% FY 2016
	2016 BUDGET*	2016 YTD ACTUAL	2015 YTD ACTUAL	2016-2015	REV/EXP
REVENUE					
COUNTY VEHICLE PERMISSIVE TAX	\$ 240,000	\$ 165,521	\$ 116,091	\$ 49,430	69%
GASOLINE/LICENSE TAXES	\$ 1,846,000	\$ 1,398,804	\$ 1,402,632	\$ (3,828)	76%
GRANTS	\$ 660,471	\$ 38,150	\$ -	\$ 38,150	6%
TOWNSHIP FUEL	\$ 127,253	\$ 45,501	\$ -	\$ 45,501	36%
INTEREST	\$ 200	\$ 860	\$ 525	\$ 335	430%
OTHER REVENUES	\$ 3,000	\$ 15,768	\$ 815	\$ 14,953	526%
TOTAL REVENUE	\$ 2,876,924	\$ 1,664,604	\$ 1,520,063	\$ 144,541	58%
					9.5%
EXPENDITURES					
STREET MAINTENANCE	\$ 396,568	\$ 262,890	\$ 196,093	\$ 66,797	66%
ANNUAL PAVING	\$ 1,027,757	\$ 918,134	\$ 885,439	\$ 32,695	89%
SNOW & ICE CONTROL	\$ 397,422	\$ 134,305	\$ 196,053	\$ (61,748)	34%
PRIOR YEAR CAPITAL	\$ 1,638,768	\$ 757,081	\$ 358,816	\$ 398,265	46%
TOTAL EXPENDITURES	\$ 3,460,515	\$ 2,072,410	\$ 1,636,401	\$ 436,009	60%
					26.6%

STATE HIGHWAY FUND (205)					
	AMENDED	3RD QUARTER	3RD QUARTER	COMPARISON	% FY 2016
	2016 BUDGET*	2016 YTD ACTUAL	2015 YTD ACTUAL	2016-2015	REV/EXP
REVENUE					
GASOLINE/LICENSE TAXES	\$ 148,000	\$ 113,129	\$ 183,260	\$ (70,131)	76%
INTEREST	\$ 300	\$ 232	\$ 277	\$ (45)	77%
REFUNDS AND REIMBURSEMENTS	\$ 17,156	\$ 21,497	\$ 30	\$ 21,467	125%
TOTAL REVENUE	\$ 165,456	\$ 134,858	\$ 183,567	\$ (48,709)	82%
					(26.5%)
EXPENDITURES					
STATE HIGHWAY ADMINISTRATION	\$ 208,241	\$ 130,046	\$ 87,650	\$ 42,396	62%
CAPITAL IMPROVEMENTS	\$ -	\$ -	\$ 95,428	\$ (95,428)	0%
TOTAL EXPENDITURES	\$ 208,241	\$ 130,046	\$ 183,078	\$ (53,032)	62%
					(29.0%)

*Includes carry over encumbrances from 2015

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

STREET CAPITAL FUND (260)

	AMENDED 2016 BUDGET*	3RD QUARTER 2016 YTD ACTUAL	3RD QUARTER 2015 YTD ACTUAL	COMPARISON 2016-2015	% FY 2016 REV/EXP
REVENUE					
PROPERTY TAX	\$ 2,507,125	\$ 2,623,953	\$ 2,454,288	\$ 169,665	105%
INTERGOVERNMENTAL - GRANTS	\$ 2,651,634	\$ 1,480,934	\$ 61,655	\$ 1,419,279	56%
TOTAL REVENUE	\$ 5,158,759	\$ 4,104,887	\$ 2,515,943	\$ 1,588,944	80%
% Increase/(Decrease) over 2015					
EXPENDITURES					
ANNUAL PAVING	\$ 1,659,969	\$ 861,360	\$ 184,519	\$ 676,841	52%
CAPITAL IMPROVEMENTS	\$ 4,716,455	\$ 2,199,584	\$ 329,834	\$ 1,869,750	47%
TOTAL EXPENDITURES	\$ 6,376,424	\$ 3,060,944	\$ 514,353	\$ 2,546,591	48%
% Increase/(Decrease) over 2015					

STREET CAPITAL IMPROVEMENT FUND (408)

	AMENDED 2016 BUDGET*	3RD QUARTER 2016 YTD ACTUAL	3RD QUARTER 2015 YTD ACTUAL	COMPARISON 2016-2015	% FY 2016 REV/EXP
REVENUE					
COUNTY AND MUNICIPAL LICENSE TAX	\$ 346,000	\$ 275,288	\$ 271,161	\$ 4,127	80%
GRANTS	\$ 854,759	\$ 205,511	\$ 1,661,496	\$ (1,455,985)	24%
TOTAL REVENUE	\$ 1,200,759	\$ 480,799	\$ 1,932,657	\$ (1,451,858)	40%
% Increase/(Decrease) over 2015					
EXPENDITURES					
AUDITORS FEE	\$ 3,258	\$ 3,285	\$ 2,540	\$ 745	101%
CAPITAL OUTLAY	\$ 1,261,316	\$ 451,273	\$ 1,615,312	\$ (1,164,039)	36%
PENTAGON PARK REIMBURSEMENT	\$ 30,000	\$ 30,000	\$ 30,000	\$ -	100%
TRANSFERS OUT	\$ 32,193	\$ 24,145	\$ 24,081	\$ 64	75%
TOTAL EXPENDITURES	\$ 1,326,767	\$ 508,703	\$ 1,671,933	\$ (1,163,230)	38%

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

GOLF COURSE FUND (572)

REVENUE	AMENDED 2016 BUDGET*	3RD QUARTER 2016 YTD ACTUAL	3RD QUARTER 2015 YTD ACTUAL	COMPARISON 2016-2015	% FY 2016 REV/EXP
GOLF & PRO SHOP	\$ 843,025	\$ 788,548	\$ 768,449	\$ 20,099	94%
FOOD & BEVERAGE REVENUE	\$ 552,000	\$ 397,135	\$ 402,618	\$ (5,483)	72%
Total Operating Revenue	\$ 1,395,025	\$ 1,185,683	\$ 1,171,067	\$ 14,616	85%
% Increase/(Decrease) over 2015					
MISC. REVENUE	\$ 16,083	\$ 16,108	\$ 1,415	\$ 14,693	100%
CAPITAL LEASE PROCEEDS	\$ 65,000	\$ 63,000	\$ -	\$ 63,000	97%
REFUNDS & REIMBURSEMENT	\$ 1,000	\$ 2,129	\$ 2,917	\$ (788)	213%
TRANSFERS IN FROM GF & MISC.	\$ 1,272,608	\$ 954,456	\$ 883,416	\$ 71,040	75%
TOTAL REVENUE	\$ 2,749,716	\$ 2,221,376	\$ 2,058,815	\$ 162,561	81%
% Increase/(Decrease) over 2015					
EXPENDITURES					
OPERATIONS	\$ 666,987	\$ 596,535	\$ 522,600	\$ 73,935	89%
FOOD & BEVERAGE	\$ 526,085	\$ 391,511	\$ 362,745	\$ 28,766	74%
MAINTENANCE	\$ 564,291	\$ 400,938	\$ 402,429	\$ (1,491)	71%
Total Operating Expenditures	\$ 1,757,363	\$ 1,388,984	\$ 1,287,774	\$ 101,210	79%
% Increase/(Decrease) over 2015					
CAPITAL EXPENDITURE	\$ 87,751	\$ 119,920	\$ 30,572	\$ 89,348	137%
BOND AND INTEREST PAYMENT	\$ 925,861	\$ 860,431	\$ 856,681	\$ 3,750	93%
TOTAL EXPENDITURES	\$ 2,770,975	\$ 2,369,335	\$ 2,175,027	\$ 194,308	86%
% Increase/(Decrease) over 2015					
NET OPERATING GAIN (LOSS)	\$ (362,338)	\$ (203,301)	\$ (116,707)	\$ (86,594)	56%
% Increase/(Decrease) over 2015					

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

FUND & REVENUE TYPE	2016 AMENDED 3RD QUARTER	2016 % REC'D	2016 YTD ACTUAL	2016 % REC'D	2015 AMENDED 3RD QUARTER	2015 % REC'D	2015 YTD ACTUAL	2015 % REC'D	2016 TO 2015 INC/(DECR) 16 to 15	% Rev
Property Taxes <i>General Fund</i>	\$ 1,264,690	107.2%	\$ 1,355,816	107.2%	\$ 1,277,150	102.4%	\$ 1,308,361	102.4%	\$ 47,455	3.6%
Police Fund Property Taxes	\$ 7,375,430	106.3%	\$ 7,838,200	106.3%	\$ 7,302,450	105.3%	\$ 7,687,587	105.3%	\$ 150,613	2.0%
Property Taxes (Pension)	\$ 344,100	107.5%	\$ 369,768	107.5%	\$ 347,100	102.8%	\$ 356,797	102.8%	\$ 12,971	3.6%
Police Total	\$ 7,719,530	106.3%	\$ 8,207,968	106.3%	\$ 7,649,550	105.2%	\$ 8,044,384	105.2%	\$ 163,584	2.0%
<i>Parks Levy Fund</i>	\$ 1,144,825	103.1%	\$ 1,180,739	103.1%	\$ 1,177,000	97.3%	\$ 1,144,825	97.3%	\$ 35,914	3.1%
<i>Street Levy Funds</i>	\$ 4,118,030	105.1%	\$ 4,327,119	105.1%	\$ 4,074,420	106.5%	\$ 4,338,315	106.5%	\$ (11,196)	(0.3%)
Property Taxes	\$ 2,507,035	104.7%	\$ 2,623,865	104.7%	\$ 2,550,000	96.2%	\$ 2,454,195	96.2%	\$ 169,670	6.9%
Street Capital Improvement	\$ 6,625,065	104.9%	\$ 6,950,984	104.9%	\$ 6,624,420	102.5%	\$ 6,792,510	102.5%	\$ 158,474	2.3%
Total Property Taxes	\$ 16,754,110	105.6%	\$ 17,695,507	105.6%	\$ 16,728,120	103.4%	\$ 17,290,080	103.4%	\$ 405,427	2.3%
Personal Property Tax	\$ 1,614	0.0%	\$ -	0.0%	\$ 3,229	50.0%	\$ 1,614	50.0%	\$ (1,614)	0.0%
Police Fund	\$ 31,213	0.0%	\$ -	0.0%	\$ 31,213	50.0%	\$ 15,606	50.0%	\$ (15,606)	0.0%
Street Levy Fund	\$ 32,827	0.0%	\$ -	0.0%	\$ 34,442	0.0%	\$ 17,220	0.0%	\$ (17,220)	0.0%
Total TPP Taxes	\$ 404,295	73.7%	\$ 297,780	73.7%	\$ 370,359	81.1%	\$ 300,499	81.1%	\$ (2,719)	(0.9%)
Local Government										

City of Beavercreek
Overtime/Comp. Analysis - 3rd Quarter 2016 Compared to 2015
9/30/2016

<u>Fund/Dept/Division</u>	<u>Div.#</u>	<u>2016</u>		<u>2015</u>		<u>\$</u>	<u>%</u>	<u>2016</u>	<u>% of Total</u>
						<u>Change</u>	<u>Change</u>	<u>Budget</u>	<u>Budget Spent</u>
General Fund									
Planning & Zoning	1610	\$ -	\$ -	\$ -	\$ -	\$ -	0.0%	\$ 500	0.0%
Bldg. Facilities Maint.	3250	\$ 327	\$ 725	\$ (398)	\$ (398)	\$ (398)	(54.9%)	\$ 500	65.4%
Cemetery Maint.	3750	\$ 3,237	\$ 2,214	\$ 1,023	\$ 1,023	\$ 1,023	46.2%	\$ 7,000	46.2%
General Fund Total		\$ 3,564	\$ 2,939	\$ 625	\$ 625	\$ 625	21.3%	\$ 8,000	44.6%
Police									
Support Services	2210	\$ 940	\$ 1,368	\$ (428)	\$ (428)	\$ (428)	(31.3%)	\$ 1,750	53.7%
Community Relations	2230	\$ 1,195	\$ 1,124	\$ 71	\$ 71	\$ 71	6.3%	\$ 1,200	99.6%
Communications	2240	\$ 16,270	\$ 24,308	\$ (8,038)	\$ (8,038)	\$ (8,038)	(33.1%)	\$ 30,000	54.2%
Investigations	2510	\$ 15,832	\$ 10,271	\$ 5,561	\$ 5,561	\$ 5,561	54.1%	\$ 20,000	79.2%
Operations	2610	\$ 134,671	\$ 140,148	\$ (5,477)	\$ (5,477)	\$ (5,477)	(3.9%)	\$ 194,072	69.4%
Off Duty	2615	\$ 29,660	\$ 65,296	\$ (35,636)	\$ (35,636)	\$ (35,636)	(54.6%)	\$ 65,000	45.6%
Bldg Maintenance	3250	\$ 82	\$ 181	\$ (99)	\$ (99)	\$ (99)	(54.7%)	\$ 100	82.0%
Police Fund Total		\$ 198,650	\$ 242,696	\$ (44,046)	\$ (44,046)	\$ (44,046)	(18.1%)	\$ 312,122	63.6%
Street Levy Fund									
Street Inspections	1720	\$ -	\$ -	\$ -	\$ -	\$ -	0.0%	\$ 1,000	0.0%
Administration	3110	\$ 64	\$ 71	\$ (7)	\$ (7)	\$ (7)	(9.9%)	\$ -	0.0%
Bldg Facilities Maint.	3250	\$ 326	\$ 922	\$ (596)	\$ (596)	\$ (596)	(64.6%)	\$ 1,000	32.6%
Street Maintenance	3320	\$ 7,689	\$ 6,388	\$ 1,301	\$ 1,301	\$ 1,301	20.4%	\$ 11,970	64.2%
Snow & Ice Removal	3340	\$ 35,431	\$ 93,478	\$ (58,047)	\$ (58,047)	\$ (58,047)	(62.1%)	\$ 125,000	28.3%
Weed & Grass Control	3360	\$ 481	\$ 1,846	\$ (1,365)	\$ (1,365)	\$ (1,365)	(73.9%)	\$ 500	96.2%
Vehicle & Equipment	3410	\$ 2,849	\$ 7,973	\$ (5,124)	\$ (5,124)	\$ (5,124)	(64.3%)	\$ 10,000	28.5%
Traffic Safety	3510	\$ 15,158	\$ 12,214	\$ 2,944	\$ 2,944	\$ 2,944	24.1%	\$ 20,000	75.8%
Storm Water	3610	\$ 1,859	\$ 1,455	\$ 404	\$ 404	\$ 404	27.8%	\$ 2,000	93.0%
Street Levy Total		\$ 63,857	\$ 124,347	\$ (60,490)	\$ (60,490)	\$ (60,490)	(48.6%)	\$ 171,470	37.2%
State Highway	1110	\$ -	\$ 395	\$ (395)	\$ (395)	\$ (395)	(100.0%)	\$ 2,000	0.0%
Park Levy									
Parks Maintenance	3720	\$ 17,135	\$ 16,391	\$ 744	\$ 744	\$ 744	4.5%	\$ 11,500	149.0%
Rotary Park	3729	\$ 2,144	\$ 4,564	\$ (2,420)	\$ (2,420)	\$ (2,420)	(53.0%)	\$ 5,000	42.9%
Recreational Programs	3810	\$ -	\$ 141	\$ (141)	\$ (141)	\$ (141)	(100.0%)	\$ -	0.0%
Senior Center	3729	\$ -	\$ 1,362	\$ (1,362)	\$ (1,362)	\$ (1,362)	(100.0%)	\$ 1,000	0.0%
Park Levy Totals		\$ 19,279	\$ 22,458	\$ (3,179)	\$ (3,179)	\$ (3,179)	(14.2%)	\$ 17,500	110.2%
Golf Course									
Operations	4720	\$ 87	\$ 43	\$ 44	\$ 44	\$ 44	0.0%	\$ 250	34.8%
Food & Beverage	4730	\$ 20	\$ 159	\$ (139)	\$ (139)	\$ (139)	0.0%	\$ 500	4.0%
Maintenance	4740	\$ 832	\$ 1,779	\$ (947)	\$ (947)	\$ (947)	0.0%	\$ 2,000	41.6%
Golf Course Totals		\$ 939	\$ 1,981	\$ (1,042)	\$ (1,042)	\$ (1,042)	0.0%	\$ 2,500	37.6%
Year End Totals		\$ 286,289	\$ 394,816	\$ (108,527)	\$ (108,527)	\$ (108,527)	(27.5%)	\$ 513,592	55.7%

<u>Comp Time Hours</u>	<u>Accrued YTD 9-30</u>		<u>Used YTD 9-30</u>		<u>Balance as of 9-30</u>		<u>9/30/2016</u>
	<u>2016</u>	<u>2015</u>	<u>2016</u>	<u>2015</u>	<u>2016</u>	<u>2015</u>	<u>O/S Balance</u>
Parks	158	391	162	212	189	259	\$ 4,795
Police	568	807	715	823	2,772	2,873	\$ 98,874
Public Service	623	1,272	767	1,025	418	692	\$ 9,169
Totals	1,349	2,470	1,644	2,060	3,379	3,824	112,838
% Difference 2016 to 2015		(45.4%)		(20.2%)		(11.6%)	(10.0%)

CITY OF BEAVERCREEK INVESTMENT SUMMARY - SEPTEMBER 2016

INVESTMENT	Earnings Type	Security Type	BROKER	INTEREST RATE (COUPON)	YIELD TO MATURITY	PURCHASE DATE	MATURITY DATE	AMOUNT	CALL or MATURITY DATE	YIELD TO CALL	NOTES	ANNUAL INT. AMOUNT	NEXT INTEREST PAYMENT
SAI, CD Synovus Bk Columbus GA 87164DFT2	FR	CD	Morgan Stanley	0.900%	0.900%	11/3/2014	10/21/2016	\$ 247,831.50	NC	N/A	SAI - 4/21, 10/21	\$ 2,232.00	10/21/2016
SAI, CD Capital One Bk CD 140420QG8	FR	CD	Multi-Bank Securities	1.000%	1.000%	10/22/2014	10/24/2016	\$ 248,000.00	NC	N/A	SAI - 4/22, 10/22	\$ 2,480.00	10/22/2016
SAI, CD Sallie Mae Bk, Salt Lake City CD 795450QY4	FR	CD	Multi-Bank Securities	1.300%	1.302%	10/30/2013	10/31/2016	\$ 250,000.00	NC	N/A	SAI - 4/30, 10/30	\$ 3,250.00	10/30/2016
SAI, CD Synchrony Bank Draper Utah CD 3615Y7QTD9	FR	CD	Morgan Stanley	1.050%	1.050%	11/22/2013	11/22/2016	\$ 250,000.00	NC	N/A	SAI - 5/22, 11/22	\$ 2,625.00	11/22/2016
SAI, CD Goldman Sachs CD New York, NY 38147JWE8	FR	CD	Morgan Stanley	1.050%	1.050%	3/26/2014	3/27/2017	\$ 248,000.00	NC	N/A	SAI - 3/26, 9/26	\$ 2,604.00	3/26/2017
SAI, CD American Express CD Fed Savings Bk 02587CAR1	FR	CD	Multi-Bank Securities	1.250%	1.250%	8/14/2014	8/14/2017	\$ 248,000.00	NC	N/A	SAI - 2/14, 8/14	\$ 3,100.00	2/14/2017
SAI, CD Ally Bank CD 02006VLP5	FR	CD	Fifth Third	1.200%	1.200%	11/12/2015	11/13/2017	\$ 245,000.00	NC	NC	SAI - 5/12, 11/12	\$ 2,940.00	11/12/2016
IQ, VR Barclays Bk Del Wilmington CD 06740AZN2	Var	CD	Multi-Bank Securities	VR - 3 Mo. LIBOR + .25%	1.100%	5/30/2013	5/24/2018	\$ 245,040.27	NC	NC	QI - Feb, May, Aug, Nov.	\$ 2,695.44	11/24/2016
MI, CD Eaglesbank Bethesda MD CD 27002YCV6	FR	CD	Morgan Stanley	1.150%	1.150%	3/9/2016	12/10/2018	\$ 248,000.00	NC	NC	Monthly Interest	\$ 2,852.00	10/9/2016
MI, CD Wells Fargo Bk CD 9497483V7	FR	CD	Morgan Stanley	1.200%	1.200%	3/9/2016	3/11/2019	\$ 248,000.00	NC	NC	Monthly Interest	\$ 2,976.00	10/9/2016
SAI, 1TC, Fixed Fed Natl Mtg Assc 3136G3TJ4	FR	Agency	Fifth Third	1.000%	1.000%	6/28/2016	6/28/2019	\$ 250,000.00	6/28/2017	1.000%	SAI-12/28 & 6/28 - Next call 6/28/17 @100	\$ 2,500.00	12/28/2016
SAI, CD, FR Discover Bank CD 254672H35	FR	CD	Morgan Stanley	1.200%	1.200%	8/24/2016	8/26/2019	\$ 250,000.00	8/26/2019	1.200%	SAI - 2/24, 8/24	\$ 3,000.00	2/24/2017
QIC, ST Fed Natl Mtg Assc 3136G3YH2	Step	Agency	Morgan Stanley	0.625%	1.449%	8/18/2016	10/25/2019	\$ 249,724.83	1/25/2017	0.860%	QI - 1/25/17 steps to .75, payable Jan, April, July, Oct. 25th.	\$ 1,560.78	10/25/2017
SAI, Fixed Fed Natl Mtg Assc 3136G3RL1	FR	Agency	Morgan Stanley	1.500%	1.500%	6/16/2016	12/16/2019	\$ 250,000.00	12/16/2016	1.500%	SAI - June & Dec 16th	\$ 3,750.00	12/16/2016
SAI, FR, CC Federal Home Ln Bank Bonds 313OA94J7	FR	Agency	Fifth Third	1.375%	1.375%	9/2/2016	9/2/2020	\$ 250,000.00	10/29/2016 CC after 3/2017	1.370%	SAI 4/29, 10/29	\$ 3,437.50	10/29/2016
SAI, ST, QC Federal Home Ln Mtg Corp 3134G7S77	Step	Agency	Fifth Third	1.125%	2.015%	10/29/2015	10/29/2020	\$ 250,000.00	QC	1.125%	SAI 4/29, 10/29 Step- 10/29/17 to 1.25%, 10/29/18 to 1.5%,	\$ 2,812.50	10/29/2016

CITY OF BEAVERCREEK INVESTMENT SUMMARY - SEPTEMBER 2016

INVESTMENT	Earnings Type	Security Type	BROKER	INTEREST RATE (COUPON)	YIELD TO MATURITY	PURCHASE DATE	MATURITY DATE	AMOUNT	CALL or MATURITY DATE	YIELD TO CALL	NOTES	ANNUAL INT. AMOUNT	NEXT INTEREST PAYMENT
SAI, ITC, ST HSBC Bank CD 40434AR68	Step	CD	Fifth Third	1.250%	2.267%	3/24/2016	3/24/2021	\$ 248,000.00	3/24/2018	1.250%	SAI - 3/24, 9/24 - Steps 3/24/18 - 2%, 3/24/19 - 3%, 3/24/20 - 4%	\$ 3,100.00	9/24/2016
SAI, SAC Federal Home Ln Bank 3130A8VG5	Step	Agency	Fifth Third	1.000%	1.924%	8/24/2016	8/24/2021	\$ 250,000.00	8/24/2021	1.000%	SAI - August & February 24th, Steps 2/18-1.25%, 8/18-1.5%, 2/19-1.75%, 8/19-2.25%, 2/20-2.75%, 2/21-3.25%, 8/21 3.75%	\$ 2,500.00	2/24/2017
SAI, ST Federal Home Ln Mtg Corp. Mtn 3134G96W2	Step	Agency	Fifth Third	1.000%	2.200%	8/25/2016	8/25/2021	\$ 250,000.00	11/25/2016	1.000%	SAI 2/25, 8/25, Steps 8/17-1.125%, 2/18- 1.25%, 8/18-1.375%, 2/19-1.50%, 8/19-1.75%, 2/20-2%, 8/20-2.5%. 2/21-4%, 8/21-6%	\$ 2,500.00	2/25/2017
Long Term Investments as of Setpember 30, 2016								\$ 4,725,596.60				\$ 52,915.22	
Estimated Rate of Return													1.12%
				Balance as of:	Valued					Projected Interest 9/30/16			
Star Ohio	Star Ohio			0.62%		9/30/2016	Daily	\$ 10,820,055				\$ 67,084.34	
Star Ohio	Star Ohio Plus			0.40%		9/30/2016	Daily	\$ 346				\$ 1.38	
5/3rd Bk	Public Fund Now Acct			0.25%	#	9/30/2016	Daily	\$ 366,453				\$ 916.13	
Operating Investments as of September 30, 2016								\$ 11,186,854			Total All Investments	\$ 120,917.08	
Total Investment as of September 30, 2016								\$ 15,912,450					
Total Portfolio Return													0.76%

Benchmarks Target: Fed Funds Rate	0.40%	Source: Federalreserve.gov	9/30/2016
Benchmarks 12 Month Treasuries	0.59%	Source: Federalreserve.gov	9/30/2016
Benchmarks 2 yr Treasuries	0.75%	Source: Federalreserve.gov	9/30/2016

Tickmarks:

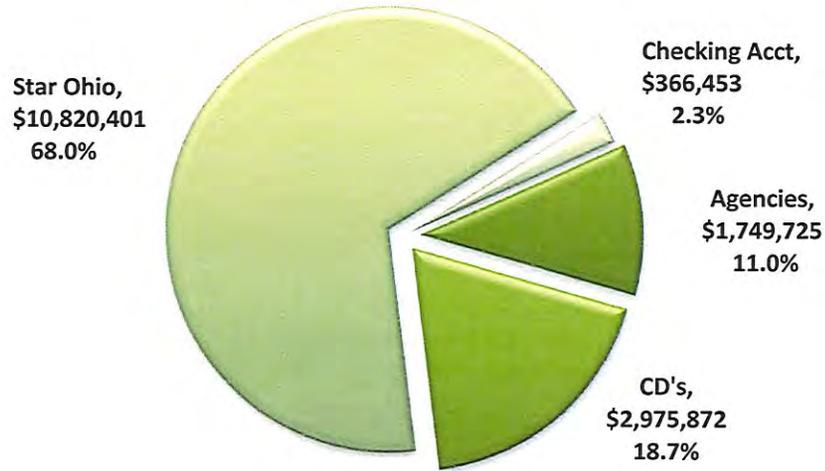
SAI=Semi Annual Interest, QIC=Quarterly Interest, AC=Annual Call SAC=Semi Annual Call, QC=Quarterly Call CC=Continuous Call, ST=Step Security, 1TC=One Time Call, FC= Fixed Coupon, CD = Certificate of Deposit,

IQ = Interest Paid Qtrly on CD, FR=Fixed Rate, MI= Monthly Interest

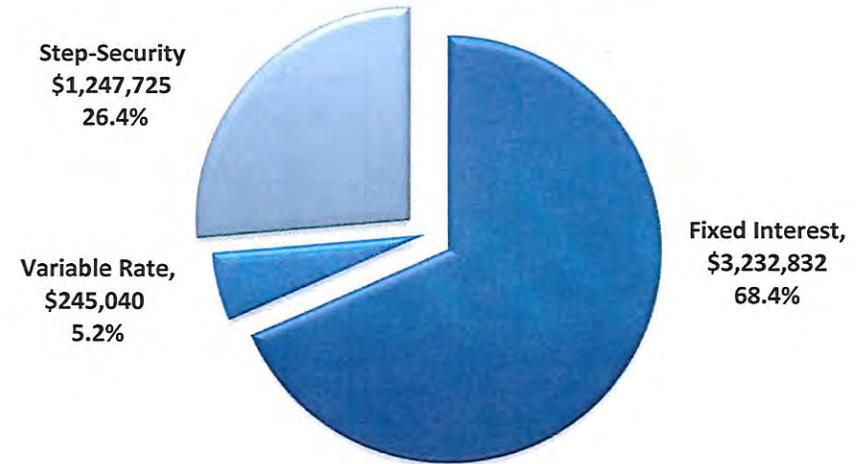
(a) = Original security amount was \$250,000. Partial call in the amount of \$150,000 took place on 5/15/13. VR= Variable rate CD 1% year one, after reset quarterly at 3M LIBOR rate currently at .53% (#) rate provide by 5/3rd

**City of Beavercreek Portfolio Report
September 30, 2016**

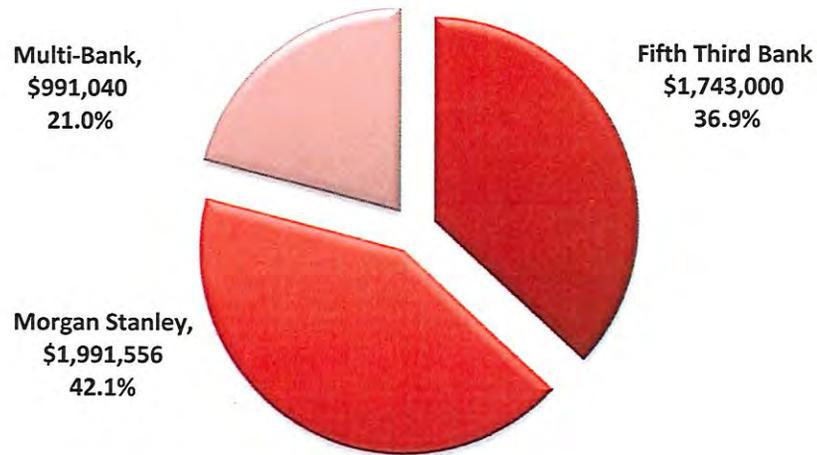
Investment by Type



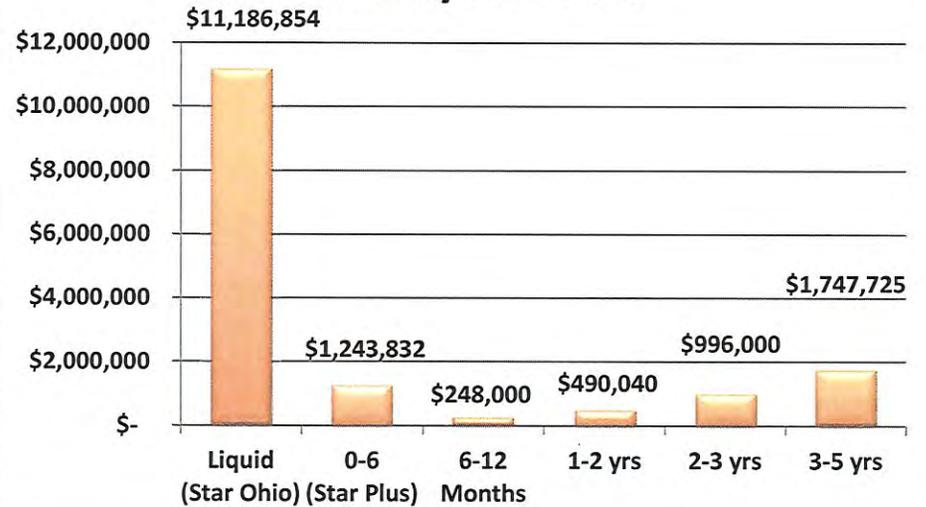
Investment Earnings Type



Investment by Broker



Maturity Schedule





CITY COUNCIL
Regular Meeting – December 12, 2016 6:00 p.m.
Council Chambers

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND PRAYER/MOMENT OF SILENCE – Mayor Stone
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
 - A. November 21, 2016 Budget Work Session
 - B. November 28, 2016 Regular Meeting
- VI. STATE OF THE CITY/BUDGET MESSAGE (City Manager)
- VII. ORDINANCES, RESOLUTIONS AND PUDS
 - A. Resolution 16-___ Accepting the 2017 Budget
 - B. Ordinance 16-___ Annual Appropriations (Single Reading)
- VIII. MAYOR'S REPORT
- IX. COUNCIL TIME
- X. CITIZEN COMMENTS
- XI. ADJOURNMENT

DRAFT



CITY COUNCIL
Regular Meeting – January 9, 2017 6:00 p.m.
Council Chambers

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND PRAYER/MOMENT OF SILENCE – Mayor Stone
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
- VI. ORDINANCES, RESOLUTIONS AND PUDS
- VII. CITY MANAGER'S REPORT
- VIII. MAYOR'S REPORT
- IX. COUNCIL TIME
- X. CITIZEN COMMENTS
- XI. ADJOURNMENT

DRAFT

PLANNING DEPARTMENT STATUS REPORT
November 17, 2016

CITY COUNCIL

November 28, 2016

- PUD 06-3 Amendment 9/16, First & Main, public hearing, first reading
-

December 12, 2016

- PUD 06-3 Amendment 9/16, First & Main, public hearing, second reading
-

January 9, 2017

- PUD 06-3 Amendment 9/16, First & Main, third reading
-

Tabled / Delayed / Pending

-

PLANNING COMMISSION

December 8, 2016 (THURSDAY)

- PC 16-5, ASRA and CU, HarborChase of Beavercreek, public hearing
- PC 16-6, ASRA, Raising Canes, public hearing
- S-16-6, Cottages of Beavercreek

Currently Tabled / Delayed

-

Commercial Permits Submitted and Under Review

-
-

BOARD OF ZONING APPEALS

December 14, 2016

- BZA 16-1 Appeal
- V-16-5, 1820 Maple Lane

Currently Tabled or Delayed

-
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