



CITY COUNCIL
Regular Meeting – July 23, 2018 6:00 p.m.
Council Chambers

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND PRAYER/MOMENT OF SILENCE – Council Member Curran
- IV. APPROVAL OF AGENDA
- V. PRE-SCHEDULED PRESENTERS
 - A. Melissa Howell, Greene County Health Commissioner
- VI. ORDINANCES, RESOLUTIONS AND PUDS
 - A. Ordinance 18-12 Bond Issuance for Traditions of Beavercreek (Third Reading)
 - B. Resolution 18-31 DARE Grant
 - C. Resolution 18-32 Revised School Resource Officer (SRO) Agreement
 - D. Resolution 18-33 Authorize Revisions to Zoning Code to Prohibit the Cultivation, Processing and Dispensing of Medical Marijuana
- VII. MAYOR'S REPORT
- VIII. COUNCIL TIME
- IX. CITY MANAGER'S REPORT
- X. CITIZEN COMMENTS
- XI. ADJOURNMENT

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CITY OF BEAVERCREEK, OHIO

ORDINANCE NO. 18-12

SPONSORED BY COUNCIL MEMBER LITTERAL ON THE 25TH DAY OF JUNE, 2018.

**AN ORDINANCE PROVIDING FOR THE ISSUANCE OF
NOT TO EXCEED \$350,000 ROAD IMPROVEMENT
SPECIAL ASSESSMENT BONDS (TRADITIONS AT
BEAVERCREEK PROJECT) BY THE CITY OF
BEAVERCREEK, OHIO.**

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

WHEREAS, this Council has previously issued its \$350,000 Road Improvement Special Assessment Bond Anticipation Notes (Traditions at Beavercreek Project), Second (2017) Renewal (the "Notes") currently outstanding in the amount of \$350,000 originally issued for the purpose paying the cost of financing road improvements, which notes are about to mature and should be permanently financed in the amount of \$350,000;

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

SECTION 1. That it is hereby declared necessary to issue bonds of the City of Beavercreek, County of Greene, Ohio, in the principal amount of not to exceed \$350,000 in anticipation of the collection of special assessments and maturing over a period of twenty (20) years, for the purpose of permanently financing notes originally issued to pay part of the cost of constructing Road Improvements and improvements to other necessary appurtenances to Shakertown Road in the City, and related costs, and paying certain costs related to the issuance of the bonds, together with other permissible costs under the Uniform Public Securities Law, including the cost of printing the bonds, expense of delivery of the bonds, service charges of the paying agent and registrar, legal services and obtaining an approving legal opinion.

SECTION 2. Said Bonds shall be of the denomination of \$5,000 or any integral multiple thereof, shall be numbered from 1 (or R-1) upward, shall be dated as of their date of issuance or such other date as determined by the Financial Administrative Services Director, and shall bear interest at the rates and at a net interest cost as set forth in the certificate of award setting forth the

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final terms of the Bonds (the "Certificate of Award") (but such net interest cost shall not be in excess of five and one half per centum (5.50%) per annum), payable semiannually on June 1 and December 1 of each year commencing June 1, 2019, or such other dates as are determined by the Financial Administrative Services Director, until the principal sum is paid, as set forth in the Certificate of Award, within the limitations set forth in Chapter 133 of the Ohio Revised Code, without further action of the Council. Said Bonds shall mature or be subject to mandatory sinking fund redemption, as set forth in the Certificate of Award, without further action of the council.

The bonds of such maturities as are designated by the City Manager and Finance Director shall be callable for redemption at the option of the City at such prices and times as are designated by the City Manager and Finance Director.

If less than all bonds which are payable by their terms on the same date are to be called, the particular bonds or portions of bonds payable on such same date and to be redeemed from such series shall be selected by lot by the Paying Agent and Registrar referred to in Section 3 below, in such manner as the Paying Agent and Registrar in its discretion may determine; provided, however, that the portion of any bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof, and that, in selecting bonds for redemption, the Paying Agent and Registrar shall treat each bond as representing that number of bonds which is obtained by dividing the principal amount of such bond by \$5,000.

At least thirty (30) days before the redemption date of any bonds the Paying Agent and Registrar shall cause a notice of such redemption either in whole or in part, signed by the Paying Agent and Registrar, to be mailed, postage prepaid, to all registered owners of bonds to be redeemed in whole or in part at their addresses as they appear on the registration books kept by the Paying Agent and Registrar, but failure so to mail any such notice shall not affect the validity of the proceedings for such redemption. Each such notice shall set forth the date fixed for redemption, the redemption price to be paid and, if less than all of the bonds being payable by their terms on a single date then outstanding shall be called for redemption, the distinctive numbers or letters, if any, of such bonds to be redeemed and, in the case of bonds to be redeemed in part only, the portion of the principal amount thereof to be redeemed. In case any bond is to be redeemed in part only, the notice of redemption which relates to such bond shall state also that on or after the redemption date upon surrender of such bonds, a new bond in principal amount equal to the unredeemed portion of such bonds will be issued.

On the date so designated for redemption, notice having been sent in the manner and under the conditions hereinabove provided and moneys for payment of the redemption price being held in separate accounts by the Paying Agent and Registrar for the holders of the bonds or portions thereof to be redeemed, the bonds or portions of bonds so called for redemption shall become and be due and payable at the redemption price provided for redemption of such bonds or portions of bonds on such date, interest on the bonds or portions of bonds so called for redemption shall cease to accrue, and the holders or registered owners of such bonds or portions of bonds shall have no rights in respect thereof except to receive payment of the redemption price thereof and to receive bonds for any unredeemed portions of bonds.

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In case part but not all of an outstanding bond shall be selected for redemption, the registered owner thereof or his attorney or legal representative shall present and surrender such bond to the Paying Agent and Registrar for payment of the principal amount hereof so called for redemption, and the city shall execute and the Paying Agent and Registrar shall authenticate and deliver to or upon the order of such registered owner or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the bond so surrendered a bond of the same series and maturity and bearing interest at the same rate.

SECTION 3. That said Bonds shall be designated "Road Improvement Special Assessment Bonds (Traditions at Beaver Creek Project)" (the "Bonds") and shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of Chapter 133 of the Ohio Revised Code and this ordinance. The Bonds shall be executed by the Manager and the Financial Administrative Services Director. The Bonds may but shall not be required to bear the seal of the City, or a facsimile thereof. The Financial Administrative Services Director or such bank or trust company as is selected by the Financial Administrative Services Director, shall act as paying agent, registrar and transfer agent (the "Paying Agent and Registrar") for the Bonds. The principal amount of each Bond shall be payable at the office of the Paying Agent and Registrar and interest thereon shall be made on each interest payment date to the person whose name appears on the record date (May 15 and November 15 for June 1 and December 1 interest, respectively, or such dates as are selected by the Financial Administrative Director) on the bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at his address as it appears on such registration records.

The Bonds shall be transferable by the registered holder thereof in person or by his attorney duly authorized in writing at the principal office of the Paying Agent and Registrar upon presentation and surrender thereof to the Paying Agent and Registrar. The City and the Paying Agent and Registrar shall not be required to transfer any bond during the 15-day period preceding any interest payment date, and no such transfer shall be effective until entered upon the registration records maintained by the Paying Agent and Registrar. Upon such transfer, a new Bond or Bonds of authorized denominations of the same maturity and for the same aggregate principal amount will be issued to the transferee in exchange therefor.

The City and the Paying Agent and Registrar may deem and treat the registered holder of the Bonds as the absolute owner thereof for all purposes, and neither the City nor the Paying Agent and Registrar shall be affected by any notice to the contrary.

SECTION 4. The proceeds from the sale of the Bonds shall be apportioned, deposited and credited in accordance with Section 133.32 of the Revised Code to the respective purposes and funds in accordance with the amount of bonds authorized herein.

SECTION 5. That the Bonds shall be sold at public or private sale at a price of not less than ninety-seven percent of the par value of the Bonds. The proceeds from the sale of said Bonds, except the premium and accrued interest, if any, shall be used for the purpose aforesaid and for no other purpose; and any premium and accrued interest received from the sale shall be transferred to

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the Bond Retirement Fund to be applied to the payment of the costs of issuance of the Bonds and the principal and interest on the Bonds in the manner provided by law.

The Manger or the Financial Administrative Services Director are hereby authorized to conduct such sale of the bonds and to execute and deliver, without further action of the Council, the Certificate of Award setting forth the final terms of the Bonds. The signature of said officer on the Certificate of Award shall be conclusive evidence that the terms of the Bonds are acceptable to the City.

If requested by the purchaser of the Bonds, the Manager or the Financial Administrative Services Director is hereby authorized to execute and deliver, without further action of this Council a bond purchase agreement between the City and the purchaser of the Bonds.

SECTION 6. That the Bonds shall be the full general obligations of the City and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. That during the period the Bonds are to run, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, but within applicable limitations, a direct tax annually in an amount sufficient to pay the principal of and interest on the Bonds when and as the same fall due. Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

The funds derived from said tax levies hereby required shall be placed in a separate and distinct fund, which together with all interest collected on the same, shall be irrevocably pledged for the payment of the interest and principal of said Bonds when and as the same fall due; provided, however, to the extent that other revenues, including assessments levied on benefitted properties, are certified, collected and appropriated for payment of debt service, said tax need not be levied.

SECTION 7. The Manager and Financial Administrative Services Director, or either of them, is hereby authorized to take any and all actions which may be necessary to issue the Bonds in book-entry-only form or in such form as will render the Bonds eligible for the services of the Depository Trust Company, New York, New York without further action by this Council, including execution of all documents necessary therefor.

SECTION 8. All appropriate officers of the City are further authorized to make, execute, acknowledge and deliver such financing statements, closing certificates and other instruments or agreements as are, in the opinion of bond counsel, necessary to carry out the purposes of this ordinance.

SECTION 9. The Financial Administrative Services Director and the Manager, or either of them, is hereby authorized to apply, if he deems it appropriate, for a rating on the Bonds from either Standard & Poor's Corporation or Moody's Investors Service, and/or to purchase bond insurance, and to pay the fee or premium for said rating and/or insurance to the extent authorized by law and approved by bond counsel.

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SECTION 10. That this council, for and on behalf of the City, hereby covenants that it will restrict the use of the proceeds, if any, of the Bonds hereby authorized in such manner and to such extent, if any, and take such other actions as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage Bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed thereunder. The Financial Administrative Services Director or any other officer having responsibility with respect to the issuance of the Bonds is authorized and directed to give an appropriate certificate on behalf of the City, on the date of delivery of the Bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

These Bonds are hereby designated "qualified tax-exempt obligations" for the purposes set forth in Section 265(b)(3) of the Internal Revenue Code of 1986, as amended, the Issuer did not issue more than \$10,000,000 qualified tax-exempt obligations during the year of original issuance.

SECTION 11. That the Financial Administrative Services Director is hereby directed to forward a certified copy of this ordinance to the County Auditor.

SECTION 12. If required by the City's municipal advisor or legal counsel, the Financial Administrative Services Director and the Council are hereby authorized to prepare and cause to be circulated a preliminary official statement with respect to the Bonds in form and content satisfactory to them, and to prepare, execute and deliver to the original purchaser of the Bonds a reasonable number of copies of an official statement which shall be deemed to be final for purposes of SEC Rules 15c2-12. The execution of the final official statement by such officer shall be conclusive evidence of its authorization and approval.

SECTION 13. That this City Council hereby covenants and agrees that it will execute, comply with and carry out all of the provisions of a continuing disclosure certificate dated the date of issuance and delivery of the Bonds (the "Continuing Disclosure Certificate") in connection with the issuance of the Bonds. Failure to comply with any such provisions of the Continuing Disclosure Certificate shall not constitute a default on the Bonds; however, any holder of the Bonds may take such action as may be necessary and appropriate, including seeking specific performance, to cause this Council to comply with its obligations under this section and the Continuing Disclosure Certificate.

SECTION 14. That the firm of Dinsmore & Shohl LLP ("Dinsmore") is hereby engaged as the City's "bond counsel" and that the Manager and Financial Administrative Services Director are hereby authorized and directed to execute and deliver the engagement letter of Dinsmore in the form on file with the Clerk of Council.

SECTION 15. That it is found and determined that all formal actions of this council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this

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council, and that all deliberations of this council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

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

ADOPTED: _____, 2018.

Bob Stone, Mayor

Attest:

Dianne Miscisin, Clerk of Council

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TO THE CLERK:

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

Ordinance No. 18-12 of the Council of the City of Beavercreek, entitled, "AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$350,000 ROAD IMPROVEMENT SPECIAL ASSESSMENT BONDS (TRADITIONS AT BEAVERCREEK PROJECT), BY THE CITY OF BEAVERCREEK, OHIO."

was passed on _____, 2018. Said Ordinance shall become effective as provided by law.

Steve McHugh
City Attorney

CERTIFICATE OF PUBLICATION

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

Dated the ____ day of _____, 2018.

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CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance No. 18-12.

Clerk of Council

CERTIFICATE

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

Financial Administrative Services Director

RECEIPT

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

Greene County Auditor

Dated: _____

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

Based upon information provided by and in reason to the request of the City Council of the City of Beavercreek, Ohio, the Financial Administrative Services Director of the City of Beavercreek, Ohio, being the fiscal officer of the City of Beavercreek, Ohio, within the meaning of Section 133.01 of the Uniform Public Securities Law of the Ohio Revised Code, hereby certifies that the estimated life of the improvements to be acquired with the proceeds of the sale of not to exceed \$350,000 of bonds, for the purpose of permanently financing notes originally issued for the purpose of constructing Road Improvements and improvements to other necessary appurtenances to Traditions at Beavercreek Boulevard, paying certain costs related to the issuance of the Bonds, is at least five (5) years and that the maximum maturity of said Bonds is twenty (20) years, by virtue of special assessment proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of _____,
2018.

Financial Administrative Services
Director

CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT

AC

Meeting Date: 07/23/2018 Agenda Reference No. VI. B.	Reference Topic: DARE Grant 2018/2019 School Year
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ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input checked="" type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other _____

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

BACKGROUND AND STAFF SUMMARY:

This resolution allows the Police Chief to accept state grant monies to be applied to the DARE Officers salary during the school year. The grant is through the Ohio Attorney General's Office. The grant will cover approximately 50% of the salary for the 9 months of school which is approximately \$27,093.15 dollars during the 2018/2019 school year. The DARE Officer teaches approximately 600 students per year.

STAFF RECOMMENDATION:

Staff recommends passage of this resolution.

RESOLUTION NO. 18-31

CITY OF BEAVERCREEK

THIS RESOLUTION SPONSORED BY COUNCIL MEMBER _____
ON THE 23RD DAY OF JULY, 2018

AUTHORIZING THE POLICE DEPARTMENT TO ACCEPT THE OHIO ATTORNEY
GENERAL'S DRUG USE PREVENTION (D.A.R.E.)
GRANTS PROGRAM FUNDING.

WHEREAS, the State of Ohio, through the Office of the Attorney General, administers financial assistance specifically for the matching of funds to defray the cost of D.A.R.E. officer's salary under the Drug Use Prevention Grant Program.

WHEREAS, Beavercreek City Council desires financial assistance under the Drug Use Prevention Grant Program.

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

Section I.

That the Beavercreek City Council authorizes the Chief of Police to accept the D.A.R.E. Law Enforcement Grants Program financial assistance in the amount of \$27,093.15 for the 2018-2019 school year.

Section II.

That the Chief of Police is hereby authorized and directed to accept the Office of the Attorney General Grant funding and to provide all information and documentation required to be eligible for funding assistance.

Section III.

That the Beavercreek City Council does agree to obligate the funds required to satisfactorily match the funds requested in the Drug Use Prevention Grant Program, and enter into agreement to administer a D.A.R.E. grant through the Office of the Attorney General.

Section IV.

It is hereby found and determined that all formal action of this Council concerning and relating to the adoption of this Resolution was adopted in an open meeting of this Council and all deliberation of this Council resulting in such formal action was 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 V.

This Resolution shall become effective immediately upon its passage.

ADOPTED by the Council of the City of Beavercreek, Ohio on this
23rd Day of July 2018.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

SUMMARY

**SIGN AND AUTHORIZE THE ACCEPTANCE OF A D.A.R.E. GRANT WITH THE
OHIO ATTORNEY GENERAL'S OFFICE FOR LAW ENFORCEMENT GRANTS
PROGRAM FINANCIAL ASSISTANCE.**

PEL

CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT

Meeting Date: July 23, 2018	Reference Topic:
Agenda Reference No: VI. C.	School Resource Officer Agreement

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

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

BACKGROUND AND STAFF SUMMARY:

This is an agreement made between the City of Beavercreek, the Beavercreek City Schools, and the Beavercreek Police Department renewing the School Resource Officer Program beginning July 1, 2018.

STAFF RECOMMENDATION:

Staff recommends approval of this agreement.

**CITY OF BEAVERCREEK, OHIO
RESOLUTION 18-32**

SPONSERED BY COUNCIL MEMBER _____ ON THE 23RD
DAY OF JULY, 2018.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN
AGREEMENT WITH THE BEAVERCREEK CITY SCHOOL SYSTEM RENEWING THE
SCHOOL RESOURCE OFFICER PROGRAM

WHEREAS, the City of Beavercreek through its Police Department entered into an agreement with the Beavercreek City School system establishing a cooperative School Resource Officer program which commenced January 1, 2000, and

WHEREAS, that agreement has expired and parties now desire to enter into a new agreement continuing the School Resource Officer program for an extended period of time.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL of the City of Beavercreek that:

SECTION I

The City Manager of the City of Beavercreek is hereby authorized to execute the Agreement between the City, its Police Department and the Beavercreek City Schools system continuing the School Resource Officer program beginning July 1, 2018.

SECTION II

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

SECTION III

This Resolution shall become effective immediately upon its passage.

ADOPTED by the Council of the City of Beavercreek, Ohio on this 23rd day of July, 2018.

Bob Stone, Mayor

ATTEST:

Diane, Miscisin, Clerk of Council

SCHOOL RESOURCE OFFICER(S) AGREEMENT

Agreement is made by and between the City of Beavercreek, hereinafter referred to as the "CITY", Beavercreek City Schools, hereinafter referred to as "SCHOOLS", and the Beavercreek Police Department, hereinafter referred to as "POLICE" as follows:

WITNESSETH

Whereas the POLICE, SCHOOLS, and CITY desire to provide under the management and supervision of POLICE a School Resource Officer(s) (SRO'S) program COMMENCING June 1, 2000; and

Whereas POLICE, SCHOOLS, and CITY desire to enter into an Agreement continuing the SRO'(S) program for an additional period of time as set forth in this Agreement.

NOW, THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:

1. **Goals and Objectives** - It is understood and agreed that the SCHOOLS and the POLICE officials shall pursue by means of programs and activities the following goals and objectives with regard to the SRO'(S) program in the schools:
 - 1.1 To foster educational programs and activities that will increase student's knowledge of and respect for the law and the function of law enforcement agencies;
 - 1.2 The SRO(S) shall attend extra-curricular activities held at schools, when possible, such as PTA meetings, athletic events and concerts;
 - 1.3 To act swiftly and cooperatively when responding to major disruptions and flagrant criminal offenses at school, such as: disorderly conduct by trespassers, the possession and use of weapons on campus, the illegal sale and/or distribution of controlled substances, and student assaults;
 - 1.4 To report serious crimes that occur on campus and to cooperate with law enforcement officials in their investigation of crimes that occur at school; and
 - 1.6 To cooperate with law enforcement officials in their investigations of criminal offense which occur off campus.
2. **Employment, Training, Supervision and Assignment of the School Resource Officer(s)**
 - 2.1 The CITY and POLICE agree to employ not less than one fully trained and equipped sworn Police Officer assigned as the SRO(S) during the school year (9 months). The SRO(S) shall be an employee of the CITY and POLICE and shall be subject to the administration, supervision and control of the POLICE, except as such administration, supervision and control is subject to the terms and conditions of this agreement.
 - 2.2 The SRO(S) shall normally be assigned by the POLICE during the school year at Beavercreek High School. Any additional SRO agreed to by the parties and funded under this program will be assigned at one of the middle schools during the school year. **Additional SRO assignments beyond the high school and one of the middle schools will be by mutual agreement of the parties.** SCHOOL officials

may schedule the SRO(S) to attend and participate in special events, presentations or in response to accidents at any of the other Middle and Elementary Schools within the district. The SRO(S) assigned by the City and Police shall have full authority to carry out the duties as a sworn police officer at any school facility within the school district including Trebein Elementary and Coy Middle Schools ~~being constructed~~ in Beaver Creek Twp. provided such authority is granted through a Memorandum of Understanding between the Greene Co. Sheriff's Office and the City and Police.

- 2.3 The CITY agrees to provide and pay the SRO'(S) salary and employment benefits in accordance with the applicable labor agreements, salary schedules and employment practices of the CITY and POLICE. SRO(S) shall be subject to all other personnel policies and practices of the POLICE except as such policies or practices may have to be modified to comply with terms and conditions of this Agreement.
- 2.4 The CITY and POLICE, in their sole discretion shall have the power and authority to hire, assign, discharge and discipline the SRO(S).
- 2.5 The CITY agrees to maintain any records concerning the performance of services by the SRO(S).
- 2.6 The CITY and POLICE shall to the extent allowed by law, assume responsibility for any and all claims, suits or causes of action arising out of allegations of unfair or unlawful employment practices brought by the SRO(S).
- 2.7 The CITY shall be responsible for providing Workers Compensation, Unemployment Compensation and Police Professional Liability insurance for the SRO(S).
- 2.8 In the event the SRO(S) is absent from work, the SRO(S) shall notify both his/her supervisor in the POLICE and the principal of the school to which the SRO(S) is assigned. In the event the SRO(S) is absent due to illness, injury or disability for a period in excess of ten (10) consecutive work days, the POLICE agree to meet with the SCHOOLS to discuss a change in the financial agreement and/or assign a substitute SRO(S) to assume and perform the duties of the SRO(S) who is absent from work.

3. SRO(S) Program Funding, Costs and Method of Reimbursement

- 3.1 CITY agrees to appropriate to the POLICE pending City Council approval sufficient funds to employ, train, evaluate and supervise the SRO(S) during the term of this Agreement. CITY agrees to provide sufficient funds to include: the officer's salary, employment benefits, uniforms, equipment, vehicles and all other operating and administrative expenses.
- 3.2 The SCHOOLS agree to reimburse the CITY sixty percent (60%) of all officer's salary and benefits for the SRO(S) assigned during the school year as their share of the program cost. The payments are made on a reimbursable basis calculated at the straight hourly rate of salary for School Resource Officer(s) assigned during the school year consisting of 180 days (1,440 hrs.) **All overtime hours incurred for SRO duties during the school year shall be reimbursed to the City at actual cost of salary and applicable benefits by the SCHOOLS.** Said salary payments shall be paid the CITY in semi-annual installments due by January 15 and June 15 of each year the contract is in effect.
- 3.3 All parties agree that the assignment of any POLICE vehicle will be at the sole discretion of the

POLICE.

3.4 All parties agree that the cost of the training as well as administrative support and supervision of the SRO(S) will be paid by the POLICE.

4. **Term of Agreement**

4.1 The effective date of this Agreement shall be July 1, 2018.

4.2 ~~This Agreement will renew annually on July 1st unless either Party serves notice in writing by May 1st of that year the intent to modify, or terminate the existing agreement. This agreement may be cancelled with or without cause by the CITY or the SCHOOLS effective June 30 of each year of this Agreement upon written notice by the Party intending to cancel to the other party by May 1 of that year.~~

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first written above.

Pete Landrum, City Manager

Date

Dennis L. Evers, Chief of Police

Date

Paul Otten, Superintendent

Date

Penelope R Rucker, Treasurer

Date

PEC

RESOLUTION NO. 18-33

RESOLUTION PROHIBITING THE CULTIVATION, PROCESSING, AND DISPENSING OF MEDICAL MARIJUANA WITHIN THE CITY OF BEAVERCREEK, OHIO

WHEREAS, the Ohio Legislature has legalized medical marijuana cultivators, processors and dispensaries within the State of Ohio; and

WHEREAS, for the purposes of this Ordinance, the definitions of “cultivators,” “processors,” and “dispensaries” are given the same definitions as those found in Ohio Administrative Code Section 3796:1-1-01; and

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

WHEREAS, City Council has determined that to help ensure the public peace, health, safety and welfare of its citizens, the cultivation, processing, and retail dispensing of medical marijuana shall be entirely prohibited within the City of Beaver creek with the exception of the sole dispensary which has already been licensed by the State of Ohio to operate within the City of Beaver creek.

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

SECTION I: The Beaver creek City Council hereby directs City staff and City Planning Commission to initiate revisions to the Beaver creek Zoning Code which prohibit the cultivation, processing, and retail dispensing of medical marijuana in the City of Beaver creek, Ohio with the exception of the sole dispensary which has already been licensed at the time of the passing of this Resolution by the State of Ohio to operate within the City of Beaver creek.

SECTION II: A moratorium on cultivation, processing, and retail dispensing of medical marijuana in the City of Beaver creek, Ohio will remain in place until the Zoning Code is revised to permanently prohibit same.

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.

Agenda Item VI. D.

PASSED this _____ day of July, 2018.

MAYOR

ATTEST:

CLERK OF BEAVERCREEK COUNCIL

PREPARED BY: CITY ATTORNEY

SUMMARY

THIS RESOLUTION BY BEAVERCREEK CITY COUNCIL IS TO PROHIBIT THE CULTIVATION, PROCESSING, AND DISPENSING OF MEDICAL MARIJUANA WITHIN THE CITY OF BEAVERCREEK, OHIO