



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

PROCLAMTIONS

- ◆ Domestic Violence Awareness Month
Debbie Matheson, Executive Director, Greene County Family Violence Prevention Center

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND PRAYER/ MOMENT OF SILENCE – Council Member Upton
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
 - A. September 20, 2016 Joint Work Session w/ Township and County
 - B. September 26, 2016 Regular Meeting
- VI. PUBLIC HEARING PUD 16-1 SSP #1 Cottages of Beavercreek
 - A. Applicant Presentation
 - B. Staff Presentation
 - C. Public Input
 - D. Council Input
 - E. Motion
- VII. ORDINANCES, RESOLUTIONS AND PUDS
 - A. Ordinance 16-22 Repealing Current Section 132.13 “Panhandling” and Adopting New Section 132.13 “Panhandling” (First Reading)
 - B. Ordinance 16-23 Repealing Current Chapter 112 “Peddling, and Soliciting, and Distribution” and Adopting New Chapter 112 “Peddling, Soliciting, and Distribution” (First Reading)
 - C. Ordinance 16-24 Repealing Current Section 70.01 “Definitions” and Adopting New Section 70.01 “Definitions” (First Reading)
 - D. Resolution 16-20 Agreement with ODOT for Municipal Bridge Inspection Program
 - E. Resolution 16-24 Submittal of MVRPC MAP-21 Funding Applications
- VIII. LIQUOR PERMITS
 - A. 81 Magnolia Ln Inc., dba La Cantina (New)
 - B. Lakes Ventures, LLC dba Fresh Thyme Farmers Market (Stock)
- IX. CITY MANAGER’S REPORT
- X. MAYOR’S REPORT
- XI. COUNCIL TIME
- XII. CITIZEN COMMENTS
- XIII. EXECUTIVE SESSION
- XIV. ADJOURNMENT

BEAVERCREEK CITY COUNCIL
JOINT WORK SESSION WITH BEAVERCREEK TOWNSHIP and GREENE COUNTY
September 20, 2016, 5:00 p.m.

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

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

ABSENT: Council Member Jarvis, Council Member Litteral, Council Member Wallace

TARDY: None

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

ALSO IN ATTENDANCE: Jessica Brockman, Legal Counsel; Michael Cornell, City Manager; Dennis Evers, Chief of Police; Bill Kucera, Financial Administrative Services Director; Dianne Lampton, Clerk of Council; Jeff Moorman, City Engineer; Mike Thonnerieux, Public Service Administrative Director

Beavercreek Township: Carol Graff, Township Trustee; Tom Kretz, Township Trustee; Jeff Roberts, Township Trustee; Alex Zaharieff, Township Administrator; Christy Ahrens, Fiscal Officer

Greene County: Bob Glaser, Commissioner; Tom Koogler, Commission; Brandon Huddleson, County Administrator; Lisa Mock, Clerk

APPROVAL OF AGENDA

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

DISCUSSION ITEMS

U.S. 35 Superstreet

Mr. Moorman explained the concept of the Superstreet. He said ODOT would be looking into allowing for pedestrian and bike traffic and will do their best to incorporate that

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access. A representative would be available to speak with at the open house, Wednesday, September 21st from 4:00 p.m. – 6:00 p.m. in the County Chamber.

There was discussion of whether or not to proceed with this project or to wait for available funding for a full interchange. They discussed the pros and cons for the Superstreet which included reduced crash points, improved traffic flow and improved overall safety. The Superstreet would be a 40 year fix until state money would possibly become available. Everyone agreed the health, welfare and safety of the residents was priority.

The three entities discussed the funding of the local match for the project. The County needed commitments from the City and the Township and inform ODOT the following week for the commitments. Both the Township and the City discussed contributing \$250,000 each towards the local match. Each of the two entities would discuss and make a decision at their next meetings in the timeframe allotted by ODOT.

ADJOURNMENT

Council Member Upton MOVED to adjourn the meeting at 6:19 p.m., seconded by Council Member Whilding Motion PASSED by majority voice vote.

Bob Stone, Mayor

ATTEST:

Dianne Lampton
Clerk of Council
Cmin092016.JointWorksession

BEAVERCREEK CITY COUNCIL
REGULAR MEETING September 26, 2016 6:00 p.m.

CALL TO ORDER

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

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

ABSENT: Council Member Wallace, Vice Mayor Vann

TARDY: None

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

ALSO IN ATTENDANCE: Dennis Evers, Chief of Police; Bill Kucera, Financial Administrative Services Director; Dianne Lampton, Clerk of Council; Jeff McGrath, Planning & Zoning Director; Steve McHugh, Legal Counsel; Moorman, City Engineer; Mike Thonnerieux, Public Administrative Services Director

PLEDGE

Council Member Litteral led the pledge and a moment of silence

APPROVAL OF AGENDA

Council Member Jarvis MOVED to amend the agenda by adding agenda item VI. E., Resolution 16-23., seconded by Council Member Litteral. Motion PASSED by majority voice vote.

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

APPROVAL OF MINUTES

Council Member Upton MOVED to approve the minutes of the August 29, 2016 Joint Work Session with Beaver Creek Township, seconded by Council Member Jarvis. Motion PASSED by majority voice vote. (Litteral abstained)

Council Member Litteral MOVED to approve the minutes of the September 12, 2016 Regular Meeting, seconded by Council Member Upton. Motion PASSED by majority voice vote.

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Council Member Whilding MOVED to approve the minutes of the September 19, 2016 Work Session, seconded by Council Member Upton. Motion PASSED by majority voice vote. (Stone abstained)

PRE-SCHEDULED PRESENTER

Chief Douglas Knight, Commissioner, CALEA (The Commission on Accreditation for Law Enforcement Agency)

Chief Knight thanked Council for welcoming him to present the July 2016 Advanced Law Enforcement Accreditation Award with Excellence to the Beaver Creek, Ohio Police Department. He said CALEA was created in 1979 when founding organizations, the International Association of Chiefs of Police, the National Association of Black Law Enforcement Executives, the National Sheriffs Association and the Police Executive Research Forum, recognized a need within the law enforcement community to develop a professional standards to enhance the delivery of these services to the citizens throughout the community they serve. He said since its inception, CALEA has accredited agencies across North America under standards developed by many of the best public safety practitioners and leaders of our time. He said these standards cover a wide range of administrative, operational and logistical issues and serve as a modern management model that provides the framework for recognizing professional excellence within public safety. He explained the goals of CALEA are to strengthen crime prevention and control capabilities, to formalize essential management procedures, to establish fair and non-discriminatory personnel practices, to improve service delivery, to solidify inter-agency cooperation and coordination and to increase community and staff confidence in the agency. Chief Knight said based on the goals and mission statement of CALEA he could think of no better time to present this accreditation certificate to the Beaver Creek Police Department than at a very public meeting where all could share and recognize the hard work of the Beaver Creek Police Department and their commitment to remain accredited. He said the certificate, itself, is simply a matted paper within a frame but it has a much broader symbolic meaning. He explained the certificate represents the agency's efforts to achieve accredited status thereby demonstrating its willingness to change in order to effectively address contemporary public safety concerns. It represents a commitment to doing the right thing and doing it the right way. It represents adherence to a professional code and an ongoing dedication to ensuring the agency's resources are appropriately developed, effectively deployed and constantly managed all in the name of a safer community for workers, visitors and customers. He said on March 13, 2016, two professional assessors arrived at the Beaver Creek Police Department to conduct a four day Gold Standard Assessment. He explained this process involves an in depth review of the agency's activities, functional components and management strategies based primarily on the observations of the assessors and their interviews with agency staff and

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community members. He said the assessors determined the agency was in compliance with all applicable standards. He said they also noted the agency's personnel were supportive of the accreditation process. The assessors specifically indicated the agency's responsiveness to having a positive impact on the community. He said at the commission meeting held in Baltimore, MD on July 30th, CALEA Commissioners reviewed the assessors' report, concurred with the findings and unanimously voted to reaccredit the agency. He said this was the sixth consecutive award presented to the Beavercreek Police Department for advanced law enforcement accreditation. He explained the department was initially awarded on July 31, 1999. He said the commission awarded Beavercreek, Ohio Police Department with the Award of Excellence based on the agency's effective utilization of accreditation as a model for the delivery of enhanced public safety, service, management and professionalism. Chief Knight presented the certificate to Chief Evers and Mayor Stone.

Chief Evers thanked Council, the City Manager and department heads for their support during this process. He said this could not be accomplished without this support. He thanked the men and women of the Beavercreek Police Department because they are the ones that go out every day and deliver the service in a professional and efficient manner. He is proud of all of them and this is a testament to all of them. He said they could not do what they do on a daily basis without the support of our community and volunteers. He said it is a collaborative effort that results in this award and is honored and privileged to receive it.

Gussie Jones, Owen's Place

Ms. Jones reviewed the history of Owen's Place which started about ten years ago. She explained they looked into the need for a small recreational area where children with disabilities could play with children without disabilities. She said the project has grown from one little idea to something that is monumental. She said three years ago they opened an area called the shadow play area that has sensory aspects for people who are visually impaired or on the autism spectrum and have sensor issues. She said on August 27th they had an open house for the tree house village area. She said this area was funded primarily through a donation from Louise Jones and from a \$100,000 commitment from the Greene County Parks and Trails levy. She explained this area is a gradual ramped area that has four small playhouses on the bottom that was intended for children to use as an avenue for imagination. She said it was being used for that and much more. She said it has come a destination and an economic draw as they thought it would. She thanked everyone for their support.

ORDINANCES, RESOLUTIONS AND PUDS

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

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Clerk Lampton read an Ordinance amending the Zoning Map, by rezoning approximately 67.91 acres of land located approximately 1,250 feet north and 1,675 feet east of the intersection of Grange Hall Road and Shakertown Road from A-1 Agricultural District and R-1A One Family Residential District to R-PUD, Residential Planned Unit Development, further described as Book 3, Page 13, Parcels 29 and 30 on the Greene County Property Tax Atlas. (PUD 16-2)

Council Member Upton MOVED to approve Ordinance 16-20, seconded by Council Member Jarvis. Motion PASSED by majority voice vote.

Resolution 16-19 Accepting Amounts and Rates and Certifying them to the County Auditor

Clerk Lampton read a Resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.

Mr. Kucera explained this is the Resolution that accepts the rates and amounts that were determined by the County Budget Commission for 2016 that are collected in 2017. He said this is the second phase of the process and these numbers are preliminary. He said there would be one more step in which the actual values of the properties are approved by the state and will be finalized in November/December. He explained they will be having their division and department budget meetings. On November 16th and 21st budget work sessions are scheduled with Council and are open to the public. At the December 12st meeting, Council will adopt the budget and appropriations for the 2017 fiscal year.

Council Member Litteral MOVED to approve Resolution 16-19, seconded by Council Member Whilding. Motion PASSED by a roll call vote of 5-0.

Resolution 16-21 Memorandum of Understanding Extending the Collective Bargaining Agreements with Fraternal Order of Police Lodge #160

Clerk Lampton read a Resolution authorizing the City Manager and Chief of Police to execute three memorandum agreement on contract extensions of understanding reflecting contract extensions with amended changes to Article 18 (insurance) and Article 20 (wages) and Article 28 (duration of agreement) of the City's Collective Bargaining Agreements with the Fraternal Order of Police Lodge #160 covering sergeants, patrol officers, and civilian employees.

Mr. McHugh explained there were three agreements which were basically the same terms. He said they would provide for a two year extension in which medical insurance would increase the same percentage of 1% each year of what the

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employees would pay and wages would increase 3% each year. He said all other terms would remain the same with the exception of the afore mentioned.

Council Member Upton expressed his appreciation for everyone's cooperation in the agreement and their hard work.

Council Member Litteral echoed Council Member Upton's comments.

Mr. McHugh stated the employees had already accepted the terms.

Council Member Upton MOVED to approve Resolution 16-21, seconded by Council Member Jarvis. Motion PASSED by majority voice vote.

Resolution 16-22 Authorization of Appointment of Special Legal Counsel

Clerk Lampton read a Resolution by the Beaver Creek City Council Authorizing the appointment of special legal counsel.

Mr. McHugh said this would retain two attorneys for representation of two officers' actions.

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

Resolution 16-23 Authorizing of Memorandum of Understanding with Greene County Regarding U.S. Superstreet

Clerk Lampton read a Resolution by the Beaver Creek City Council authorizing the City Manager to enter into a Memorandum of Understanding with Greene County regarding the Superstreet Project on U.S. 35.

Mayor Stone explained the Township, County and the City have been working a long time on an agreement that concerns the U.S. 35 Superstreet. He thought this was a fair and equitable solution for funding.

Council Member Upton asked if the City had seen the Township's Memorandum of Understanding. Mr. McHugh said it was approved earlier that day but had not seen it. Mayor Stone said he had been briefed on it but had not read it. He said the dollar amount is the same but the wording is more protective for the City.

Council Member Litteral appreciated the collaboration between the County, Township and the City. She said this has a major impact on the eastern side of the county. It is a big undertaking for everyone involved. She thought the city's

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interest was smaller than that of the Township and County. She didn't think the project she would like to see will happen in her lifetime and this was a band aid.

Council Member Jarvis appreciates that cooperation between the entities and thought this was the best solution with the available funding and it was time to move forward.

Council Member Litteral MOVED to approve Resolution 16-23, seconded by Council Member Jarvis.

Council Member Upton questioned how the repayment of the loan would be addressed in the budget. Mr. McHugh explained no payments were required for the first five years with no less than a \$25,000 payment in the latter five years with repayment of the loan completed by year 2026. Mr. Kucera said it be listed in the Five Year Capital Plan and the details of the repayment is being worked out.

Mayor Stone explained the local match for the project is \$1,563,889 and with this agreement the City share would be \$250,000. The township's share is \$250,000 with the balance the responsibility of the County. He explained the original negotiation was the County wishing the entities paying 1/3 each of the local match. He applauded everyone working together to come to an agreement.

Motion PASSED by majority voice vote.

LIQUOR PERMITS

Chipotle Mexican Grill of Colorado LLC (New)

Chief Evers said the Ohio Division of Liquor Control sent police notification of a request for a new D5 liquor permit for Chipotle Mexican Grill of Colorado LLC, DBA Chipotle Mexican Grill 2720, 2544 Zink Rd., Beavercreek, OH 45324. The record checks required by the Ohio Department of Commerce – Division of Liquor Control were conducted on the applicant/shareholders for this application request. Staff recommended this new liquor permit request move forward with no comment.

Council Member Litteral MOVED to accept without comment, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

Samibrothers Inc., DBA Factory Drive Thru (Transfer)

Chief Evers said the Ohio Division of Liquor Control sent police notification of a request to transfer a C1, C2 liquor permit for Factory Drive Thru LLC, DBA Factory Drive Thru, 2508 Richmar, Beavercreek, OH 45434 to Sami Brothers Inc., DBA Factory Drive Thru, 2508 Richmar, Beavercreek, OH 45434. The record checks required by the Ohio Department of Commerce – Division of Liquor Control were

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conducted on the applicant/shareholders for this applications request. Staff recommended this liquor permit transfer move forward with no comment.

Council Member Litteral MOVED to accept without comment, seconded by Council Member Jarvis. Motion PASSED by majority voice vote.

CITY MANAGER'S REPORT

No report.

MAYOR'S REPORT

Mayor Stone said the first art festival at Community Park was a fantastic event.

COUNCIL TIME

Council Member Litteral congratulated the police department on their award. She also congratulated the volunteers who have worked or donated towards Owen's Place.

Council Member Upton thanked the Beavercreek Historical Society for the Heritage Day event.

Council Member Jarvis said Owen's Place is a great facility. He said there was a 5K race fundraiser last weekend there to benefit Owen's Place.

Council Member Whilding said they need to be strategic about what to do about Factory Road in the future.

CITIZEN COMMENTS

There being no citizen comments, citizen comments was closed.

ADJOURNMENT

Council Member Whilding MOVED to adjourn the meeting at 6:45 p.m., seconded by Council Member Upton. Motion PASSED by majority voice vote.

Bob Stone, Mayor

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ATTEST:

Dianne Lampton
Clerk of Council
Cmin092616

ORDINANCE NO. 16-19

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER UPTON ON THE 8TH DAY OF AUGUST, 2016.

AN ORDINANCE AMENDING THE ZONING MAP, BY REZONING APPROXIMATELY 20.03 ACRES OF LAND LOCATED AT 2358 COUNTY LINE ROAD FROM A-1 AGRICULTURAL TO R-PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT, FURTHER DESCRIBED AS BOOK 3, PAGE 3, PARCEL 72 ON THE GREENE COUNTY PROPERTY TAX ATLAS. (PUD 16-1)

Whereas, Charlie Simms, Simms Development, 2785 Orchard Run Road, Dayton OH 45449, agent for the property owner, requests rezoning and concept plan approval; and

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

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

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

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

NOW THEREFORE THE MUNICIPALITY OF BEAVERCREEK HEREBY ORDAINS:

SECTION I

That the Zoning Map referenced in §158.018 of the Zoning Code is hereby further amended to change approximately 20.03 acres of land, located at 2358 County Line Road, known as B42000300030007200 and as further described in the attached "Exhibit A" be rezoned to R-PUD Residential Planned Unit Development.

9. All principal dwellings shall be limited to one story.

10. Buffers and grading limits for the project shall be as follows:

- a) Where the woods exist along the southern property line abutting the multi-family residential properties, maintain a 50-foot buffer from the property line. No grading or removal of vegetation permitted with the southern 25 feet of this 50-foot buffer, or as regulated by Planning Commission and/or City Council at the specific site plan stage.
- b) Where there are no woods along the southern property line abutting the multi-family residential properties, construct a 4-foot mound, complimented with dense evergreens trees. In areas where grading of adjacent properties prohibit a four foot mound, or where the mound tapers down, shall be supplemented with 8-foot dense evergreen trees.
- c) Where the woods exist along the northern property line abutting the single family residential properties, maintain a 50-foot buffer from the property line. No grading or removal of vegetation permitted within this 50-foot buffer, except within the southern two feet, or as regulated by Planning Commission and/or City Council at the specific site plan stage.
- d) Where there are no woods along the northern property line abutting the single family residential properties, construct a 6-foot mound, complimented with dense evergreens trees.
- e) If acceptable to Beavercreek Fire Department, maintain natural barrier (tree) that dead-ends on Quill Drive to the north by curving the emergency access road.
- f) Emergency access roads shall be constructed from grass pavers, the final design and location subject to review and approval at the specific site plan stage.
- g) No construction traffic shall be permitted on Quill Road, Terrace Drive, or Straight Arrow Road.

11. At the specific site plan stage, all plans shall be made available to Beavercreek Police and Fire Departments, for their determination whether or not it is necessary that the emergency access point at Quill Drive be made a standard access point so as to make the development more accessible for emergency vehicles.

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

EXHIBIT A

Legal Description for 2358 County Line Road, Dayton, Ohio:

Situate in the Township (now City) of Beavercreek, County of Greene and State of Ohio, being part of Southwest Quarter of Section Seven (7), Town Two (2) and Range Seven (7) M.R.S:

Bounded and described as follows: Beginning at a corner in the West line and S. 5 deg. 00 min. W. 60.80 poles from a stone at the Northwest corner of the said Quarter Section, the said corner being in the County Line Road and the Southwest corner of a tract of land belonging to Rosella R. Miller; thence with the South line of the said Miller tract S. 84 deg. 45 min. E. 162.00 poles to a concrete post in the West line of a tract of land belonging to Clarence Hawker et. al.; thence with the line of said Hawker tract S. 4 deg. 55 min. W. 20.06 poles to an iron pipe; thence N. 85 deg. 15 min. W. 162.01 poles to an iron pipe in the west line of the said Quarter Section and County Line Road; thence with the said line and road N. 5 deg. 00 min. E. 21.21 poles to the place of beginning and containing Twenty and Eighty-Eight Hundredths (20.88) Acres be it the same more or less according to a survey made by H. H. Warner Dec. 12, 1943.

EXCEPTING THEREFROM an easement of Seven Hundredths of an acre for highway purposes as recorded in Vol. 163, Page 262 in the Greene County Deed Records.

ALSO EXCEPTING 0.72 acres deeded from Audra A. Trangenstein, married, to Kettering Baptist Church on the 18th day of May, 1959, said deed being recorded in Vol. 309, at page 91, Greene County, Ohio Deed Records, said exception being described as follows:

Situate in the Township (now City) of Beavercreek, in the County of Greene and State of Ohio and being part of the Southwest Quarter of Section Seven (7), Town Two (2) and Range Seven (7) M.R.S., bounded and described as follows:

Beginning at a corner in the West line and South 5 deg. 00 min. West 82.01 poles from a stone at the Northwest corner of the said Quarter Section, the said corner being in the County Line Road and also being the Southwest corner of a 20.88 acre tract of land now owned by Audra A. Trangenstein; thence with the West line of said Trangenstein tract and the County Line Road North 5 deg. 00 min. East 150 feet to an iron pin in the center of said Road; thence South 85 deg. 15 min. East 210 feet to an iron pin; thence South 5 deg. 00 min. West 150 feet to an iron pin in the South line of the said Trangenstein tract; thence with the South line of said Trangenstein

It is understood the above contains a total of 0.129 of an acre, more or less, including the present road which occupies 0.126 of an acre, more or less.

The description for parcel number 61WD above was calculated and derived from a centerline survey made by Shaw, Weiss & De Naples, Registered Surveyor Number 6819.

Said stations being the Station numbers as stipulated in the hereinbefore mentioned survey and as shown by plans on file in the Department of Transportation, Columbus, Ohio.

Grantor claims title by instrument of recorded in Volume 544, Page 902, Greene County, Ohio Deed Records.

Leaving for the part hereby conveyed 20.031 acres, more or less.

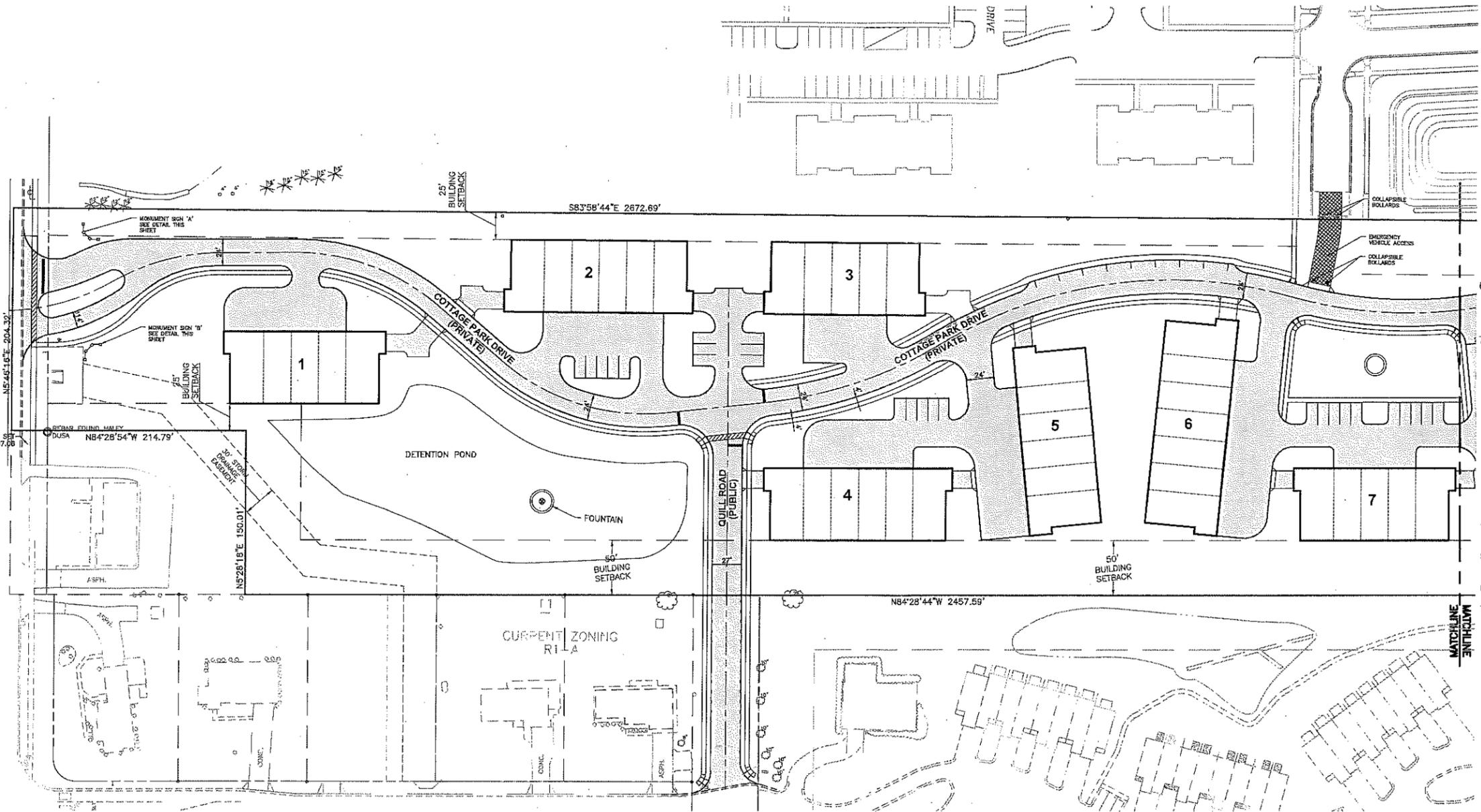
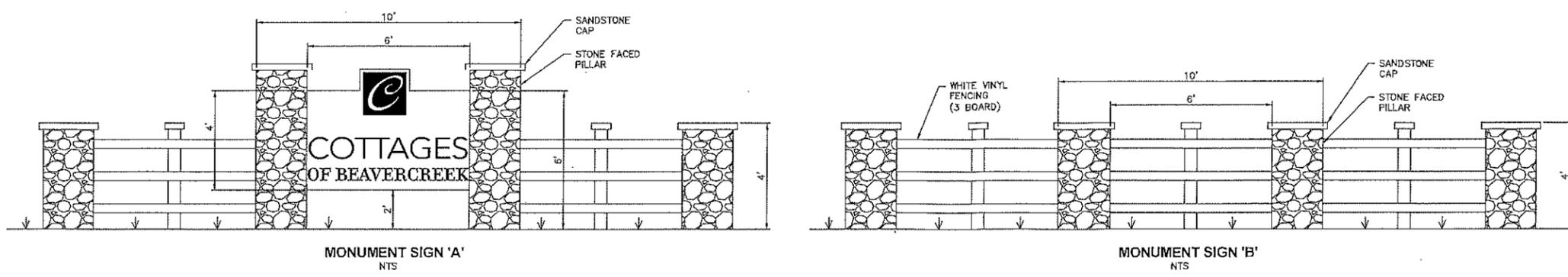
Last Deed References: Volume 180, Page 451 and Volume 544, Page 902, Greene County, Ohio Deed Records.

Parcel I.D. No. B42-3-3-72.

Description Check
Greene County Engineer's Tax Map Dept.
 Legally Sufficient As Described
 Legally Sufficient With Corrections Noted
 Legally Insufficient, New Survey Required
By: [Signature] T 9706
Par ID: Dist BK PG PAR

*Before Next
Trial*

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SITE DATA

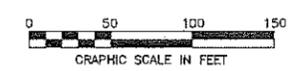
- PROJECT DESCRIPTION:**
 APPROXIMATELY 20.03 ACRES (GROSS) OF MULTI-FAMILY HOUSING.
 EXISTING ZONING: AGRICULTURE
 PROPOSED ZONING: R-PUD
- TOTAL SITE AREA:**
 TOTAL SITE = 20.03 ACRES (GROSS)
- CURVE NUMBERS:**
 PRECONSTRUCTION: CN = 61
 POST-CONSTRUCTION: CN = 75.69
- PARKING DATA:**

TOTAL	
PARKING REQUIRED	PARKING PROVIDED
185 SPACES*	OPEN PARKING-89 SPACES
	GARAGE-170 SPACES
	TOTAL-259 SPACES

 - *2 SPACES PER UNIT
 - +1 SPACE PER EMPLOYEE
 - +1 SPACE FOR EVERY 5 UNITS
- OPEN SPACE:**
 TOTAL PROPOSED: -- 59% OPEN SPACE
 GROSS AREA OF STRUCTURES = 160,157 SF
- STRUCTURE DATA:**
 TOTAL UNITS: 84 UNITS
 PROPOSED DENSITY: 4.19 UNITS PER ACRE
 BLDG. HEIGHT: 17'-2"

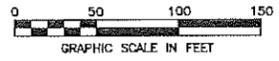
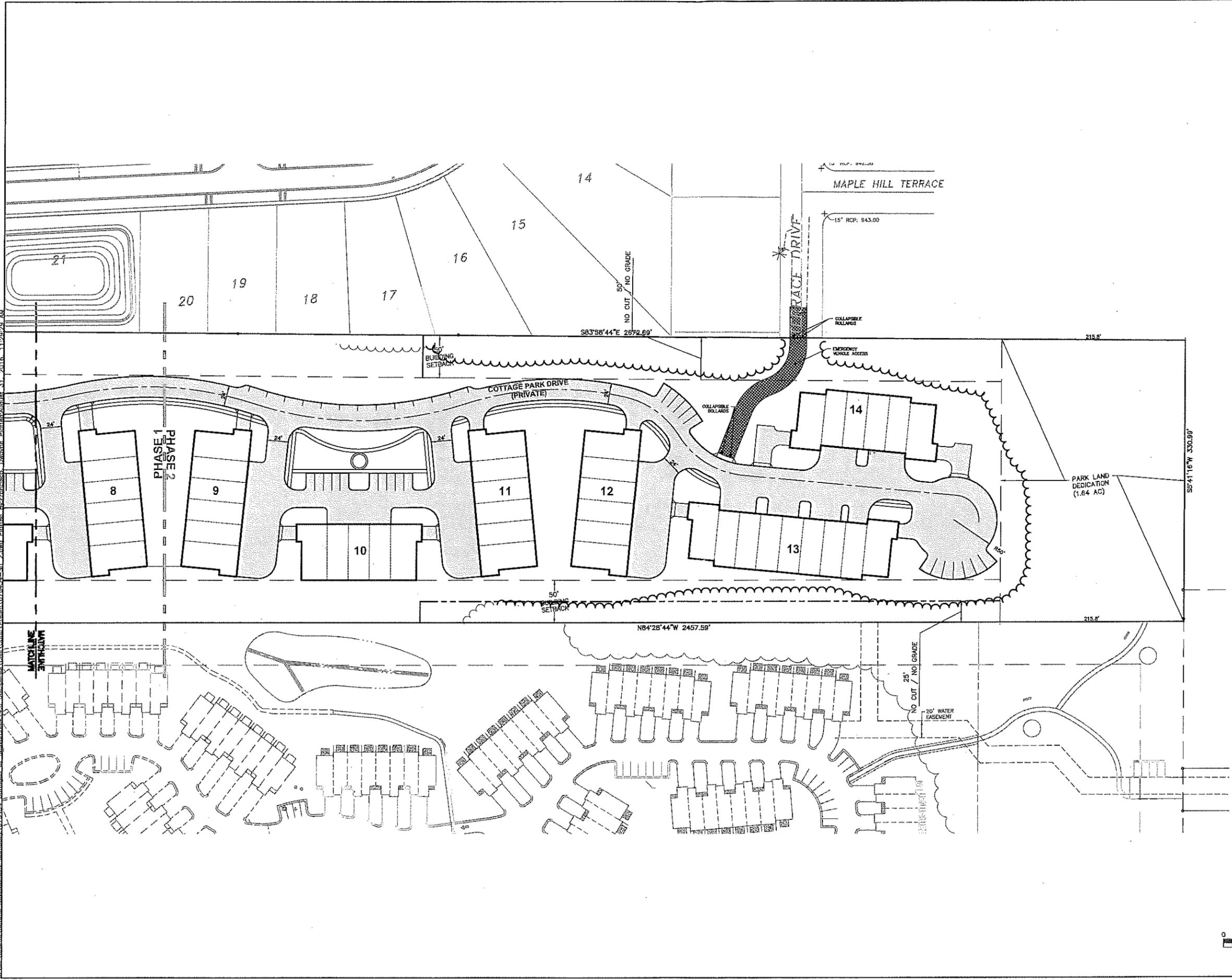
NOTES:

- ACCESS TO THE SITE SHALL BE MAINTAINED THROUGHOUT ALL PHASES OF CONSTRUCTION.
- PROPER PERMITS MUST BE OBTAINED FROM THE CITY OF BEAVERCREEK FIRE DEPARTMENT PRIOR TO THE BEGINNING OF CONSTRUCTION.
- ALL CONSTRUCTION SHALL CONFORM TO THE UNIFIED FIRE CODE, OHIO FIRE CODE AND THE NATIONAL FIRE PROTECTION ASSOCIATION STANDARDS.
- LIGHTING WILL BE PROVIDED BY COACH LIGHTS MOUNTED TO THE BUILDINGS (FOUR TOTAL AT EACH BUILDING) LIGHTS WILL BE EQUIPPED WITH PHOTOCELLS.
- ALL GROUND SIGNS SHALL BE LANDSCAPED AROUND THE BASE IN ACCORDANCE WITH SECTION 158.148(C)(3) OF THE BEAVERCREEK ZONING CODE.
- PROVIDE ORANGE SNOW FENCE AROUND ALL TREES TO BE PRESERVED.
- CONSTRUCTION HOURS: MONDAY-SATURDAY 7AM-7PM



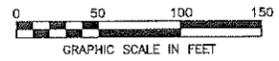
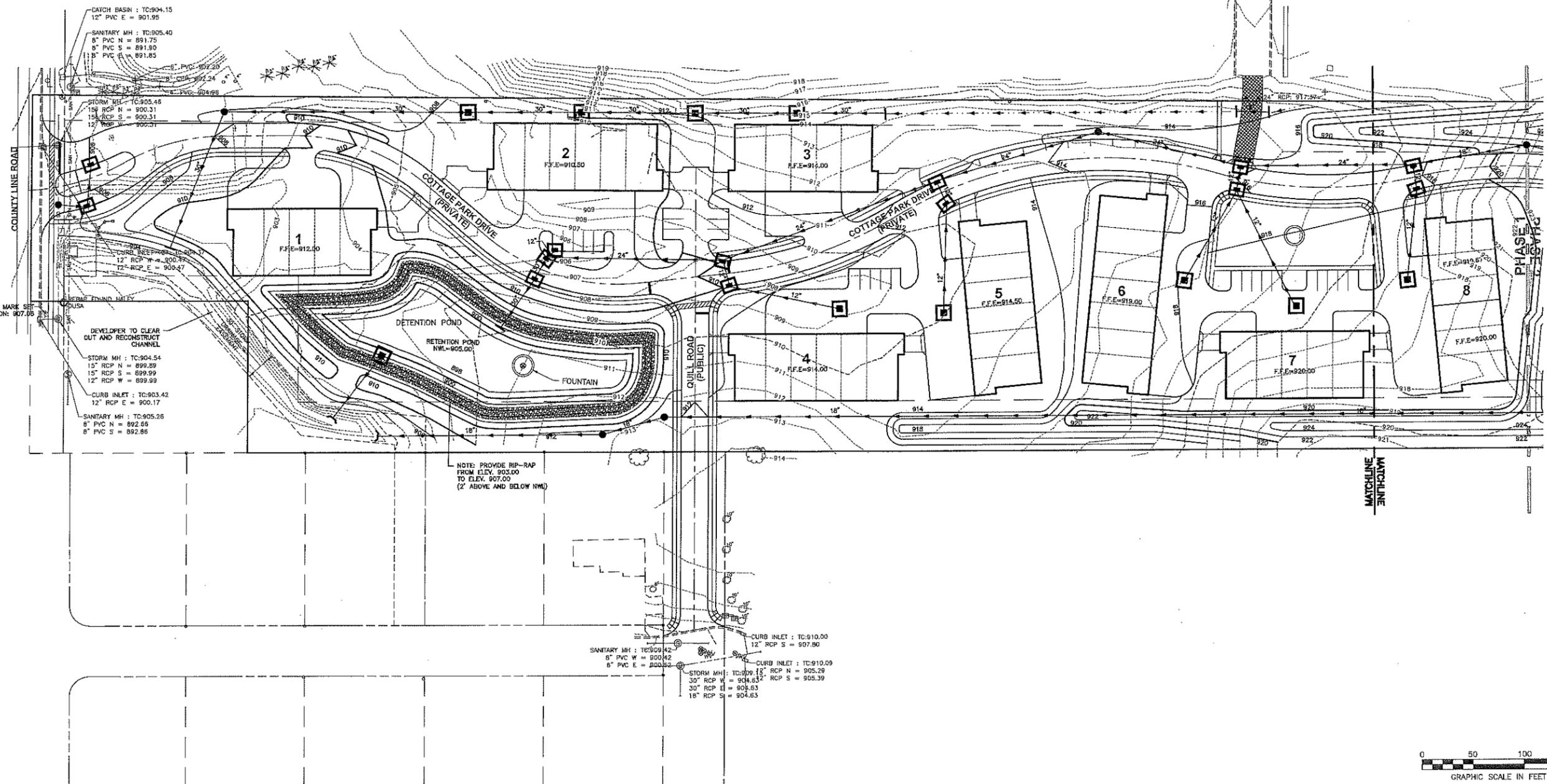
PROJECT NO.:	DATE	DES.	DR.	IRWJ	CKD.	JAP
	8/31/16					
REVISION	No.	DATE	REVISE TO CITY COMMENTS			
<p>4454 Idea Center Blvd Dayton, OH 45430-1600 WOOLPERT 937.481.5680 FAX: 937.461.0743</p>						
<p>COTTAGES OF BEAVERCREEK CHARLES V. SIMMS DEVELOPMENT CITY OF BEAVERCREEK GREENE COUNTY, OHIO</p>						
SHEET NO.						DP-1
						SITE PLAN

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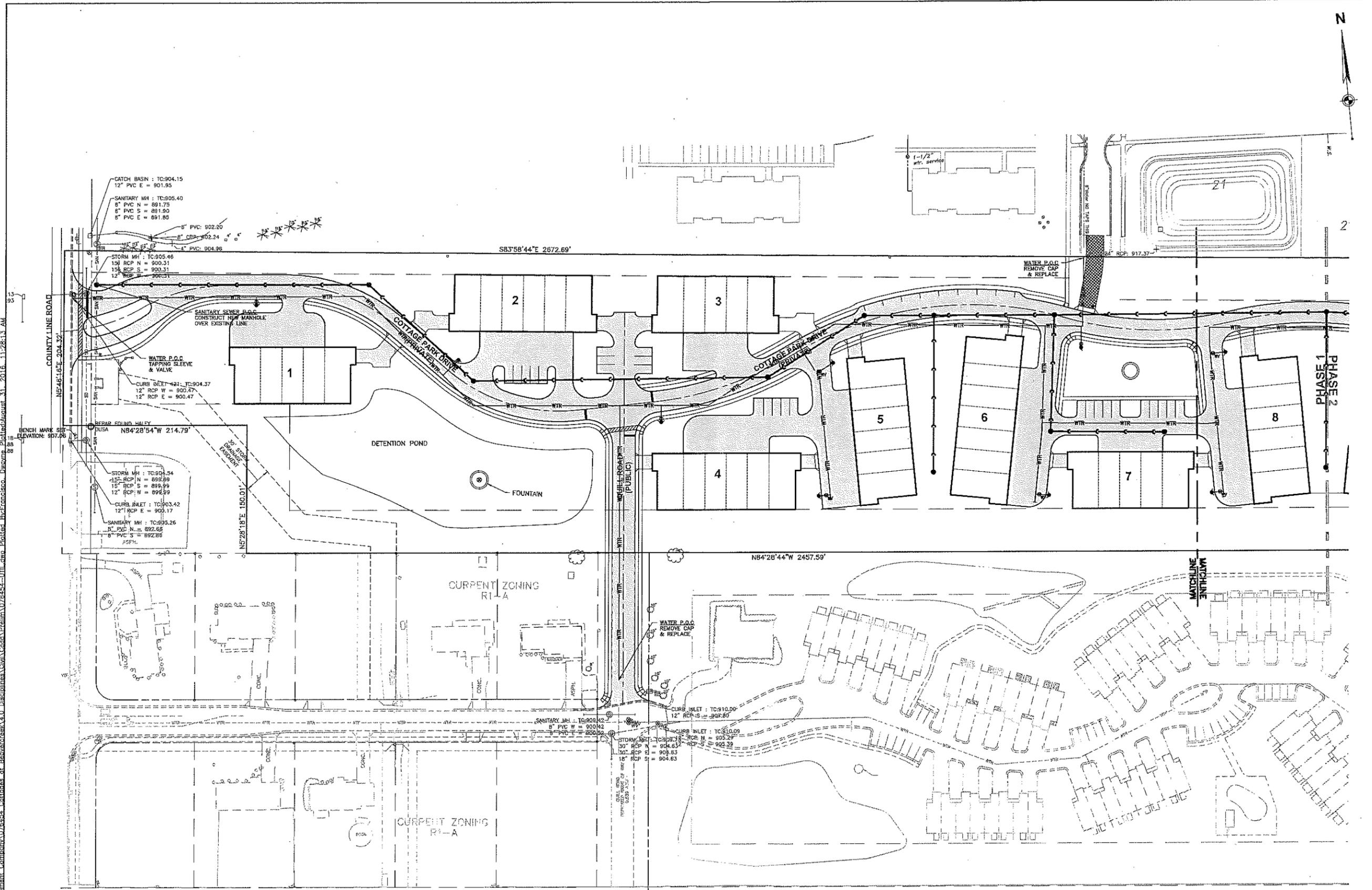
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DATE		8/31/16		REVISE TO CITY COMMENTS			
DES. BS							
DR. RWJ							
CKD. JAP							
4454 Idea Center Blvd Dayton, OH 45430-1500 937.461.5660 FAX: 937.461.0743				 WOOLPERT			
COTTAGES OF BEAVERCREEK CHARLES V. SIMMS DEVELOPMENT CITY OF BEAVERCREEK GREENE COUNTY, OHIO							
SHEET NO.				DP-2			
SITE PLAN							

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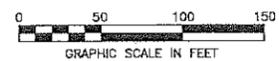


PROJECT No.:		REVISION	
DATE	DES. BS	9/31/16	REVISE TO CITY COMMENTS
DR. DJF	CKD. JAP		
4454 Idea Center Blvd Dayton, OH 45430-1500 937.461.5660 937.461.0743		WOLPERT	
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SHEET NO.		DP-3	

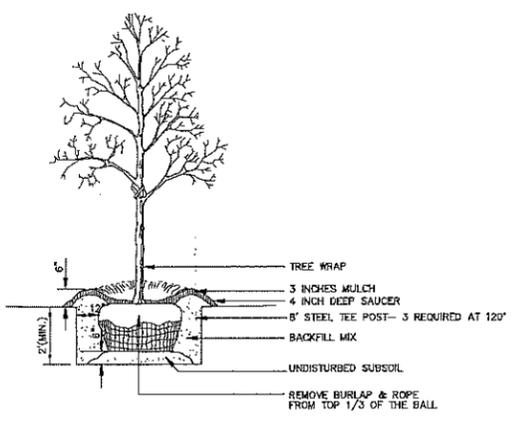
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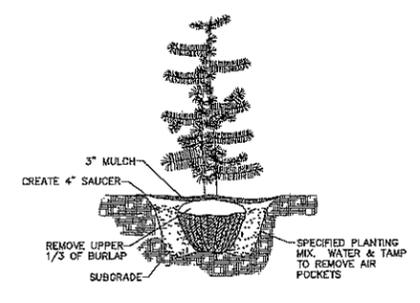
- NOTES:
1. EACH UNIT TO BE SERVED BY INDIVIDUAL SEWER AND WATER SERVICES.
 2. WATER LATERALS TO BE 5/8".
 3. SEWER LATERALS TO BE 4".
 4. ALL PROPOSED SEWER MAINS SHOWN TO BE 8"
 5. ALL PROPOSED WATER MAINS SHOWN TO BE 8"



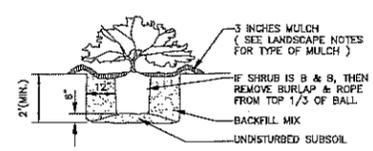
COTTAGES OF BEAVERCREEK CHARLES V. SIMMS DEVELOPMENT CITY OF BEAVERCREEK GREENE COUNTY, OHIO		UTILITY PLAN	
PROJECT No.: DATE: 8/31/16 DES. BS DR. RWJ CKD. JAP	4454 Idea Center Blvd Dayton, OH 45430-1500 937.461.6660 FAX: 937.461.0743	REVISION REMISE TO CITY COMMENTS	SHEET NO. DP-5



TREE PLANTING
N.T.S.

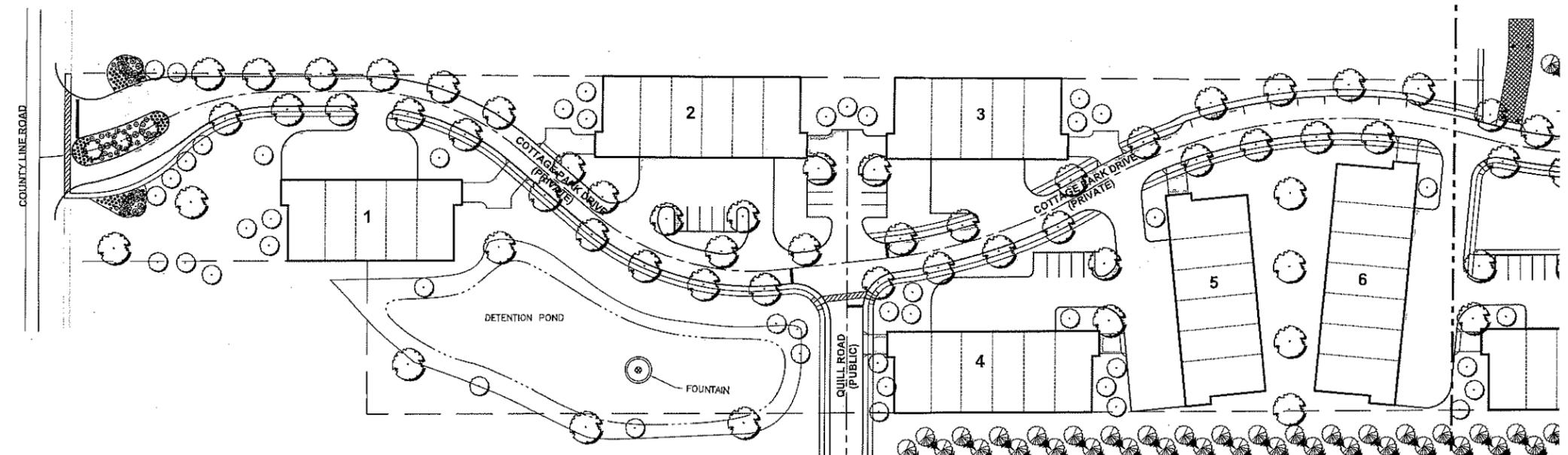


EVERGREEN PLANTING DETAIL
N.T.S.



SHRUB PLANTING
N.T.S.

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



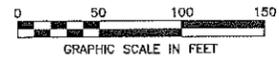
LANDSCAPE NOTES

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

PERMANENT SEEDING

- ALL FILL AND CUT SLOPES SHOULD BE SEEDDED IMMEDIATELY AFTER CONSTRUCTION. SEED TO THE FOLLOWING GRASS MIXTURES:
- 5# TURF TYPE TALL FESCUE (TRIPLE BLEND)
5# 12-12-12 FERTILIZER
1 1/2 BALES OF STRAW PER 1000 SQUARE FEET ON 2:1 OR STEEPER SLOPES USE:
(2) 2# CROWN VETCH
1 1/2# TALL FESCUE
20# 5-10-10 FERTILIZER
2 BALES OF STRAW PER 1000 SQUARE FEET

PLANT LEGEND				
SYMBOL	NAME	QTY	ROOT	SIZE
	CANOPY TREES			
	Crimson King Norway Maple	- Acer rubrovariegatum 'Crimson King'		
	Red Maple	- Acer rubrum		
	Heritage River Birch	- Betula nigra 'Heritage'	119	6" DB
	EVERGREEN TREES			
	Norway Spruce	- Picea abies		
	Baby Blue Spruce	- Picea myrsinites 'Baby Blue'	106	6" DB
	UNDERSHRUB TREES			
	Flame Tree	- Koeleria corymbosa 'Flame Tree'	80	6" DB



REVISION	DATE	NO.
REVISE TO CITY COMMENTS	9/31/16	

PROJECT NO: _____
DATE: _____
DES: BS
DR: DJF
CKD: JAP

4454 Idea Center Blvd
Dayton, OH 45430-1500
937.461.5660
FAX: 937.461.0743

WOOLPERT

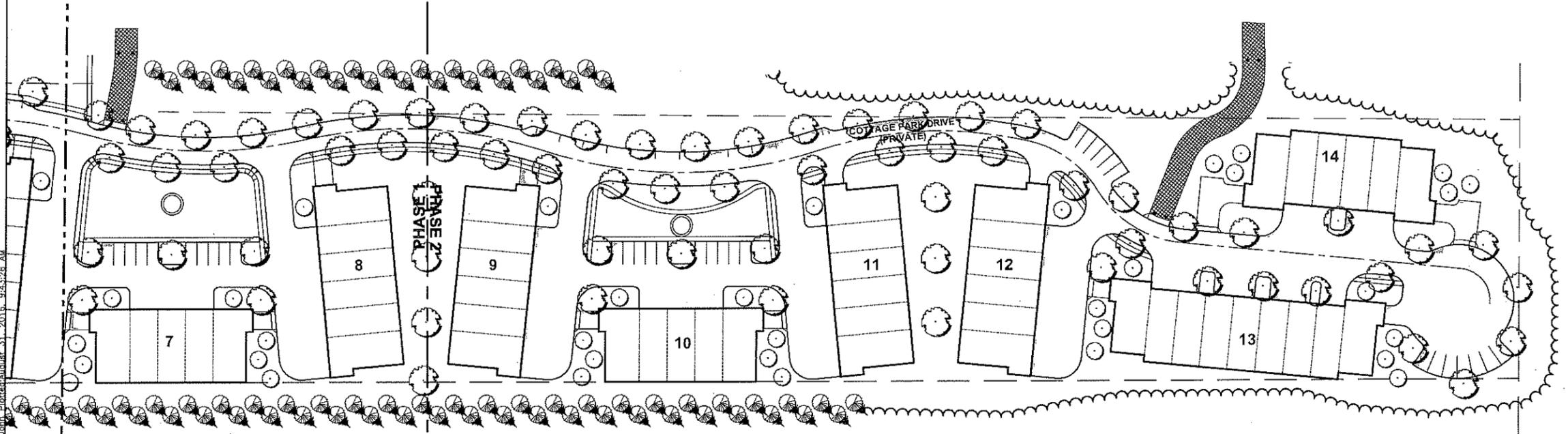
COTTAGES OF BEAVERCREEK
CHARLES SIMMS DEVELOPMENT
CITY OF BEAVERCREEK
GREENE COUNTY, OHIO

LANDSCAPE PLAN

SHEET NO.
LP-1

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PROJECT No.:	No.	DATE	REVISION
DATE	8/31/16		REVISE TO CITY COMMENTS
DES. BY			
DR. DIF			
CKD. JAP			

4454 Idea Center Blvd
Dayton, OH
45420-1500
937.481.5660
937.481.0743

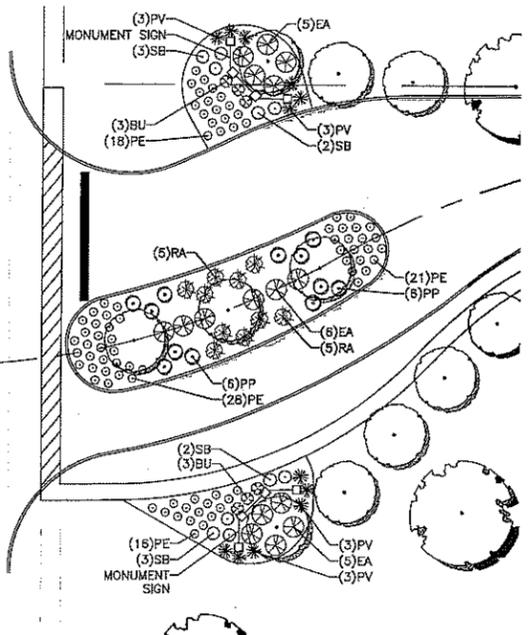
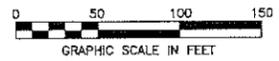


COTTAGES OF BEAVERCREEK
CHARLES SIMMS DEVELOPMENT
CITY OF BEAVERCREEK
GREENE COUNTY, OHIO

LANDSCAPE PLAN

SHEET NO.

LP-2

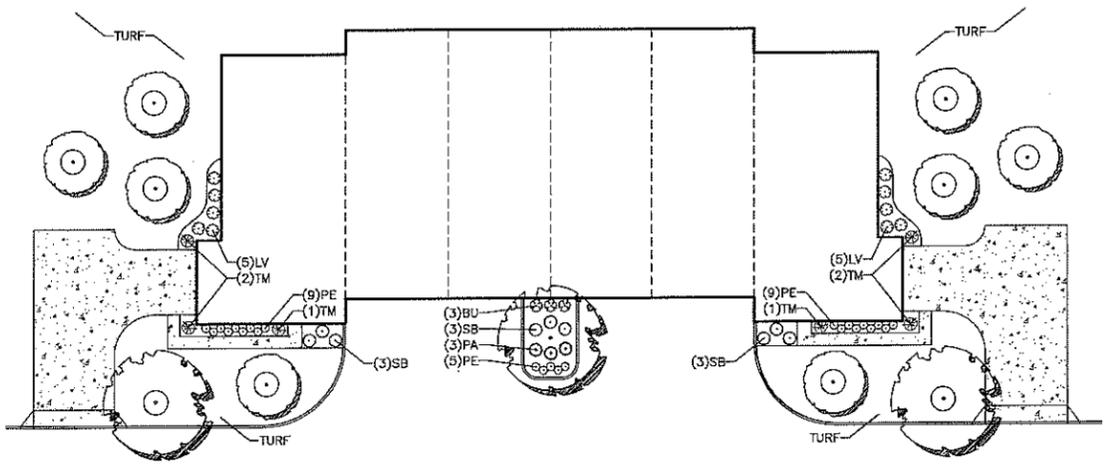


1 **ENTRY WAY LANDSCAPE ENLARGEMENT**
SCALE: 1" = 20'-0"

TAG	SCIENTIFIC NAME	COMMON NAME	COND.	SIZE	REMARKS
BU	Buxus x 'Green Velvet'	Green Velvet Boxwood	#3 cont.	18"ht. x 18"wd.	Full, vigorous
EA	Euonymus alatus 'Compacta'	Dwarf Burning Bush	#3 cont.	18"ht. x 18"wd.	Full, vigorous
LV	Ligustrum vicaryi	Vicary Golden Privet	#3 cont.	18"ht. x 18"wd.	Full, vigorous
PA	Picea abies 'Pumila'	Dwarf Nest Spruce	#3 cont.	12"ht. x 18"wd.	Full, vigorous
PP	Picea pungens 'Globe Globe'	Globe Blue Spruce	#3 cont.	18"ht. x 18"wd.	Full, vigorous, low graft
RA	Rhus aromatica 'Gro-Low'	Gro-Low Fragrant Sumac	#3 cont.	12"ht. x 18"wd.	Full, vigorous
SB	Spiraea x bumalda 'Anthony Waterer'	Anthony Waterer Spirea	#3 cont.	18"ht. x 18"wd.	Full, vigorous
TM	Taxus x media 'fastigiata'	Pyramid Yew	#3 cont.	18"ht. x 18"wd.	Full, vigorous
PV	Penicum virgatum 'Ruby Slippers'	Ruby Slippers Switchgrass	#2 cont.		Full, vigorous
PE	Assorted Perennials	Liriope, Salvia, Hosta, Daylily	#1 cont.		

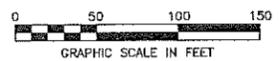
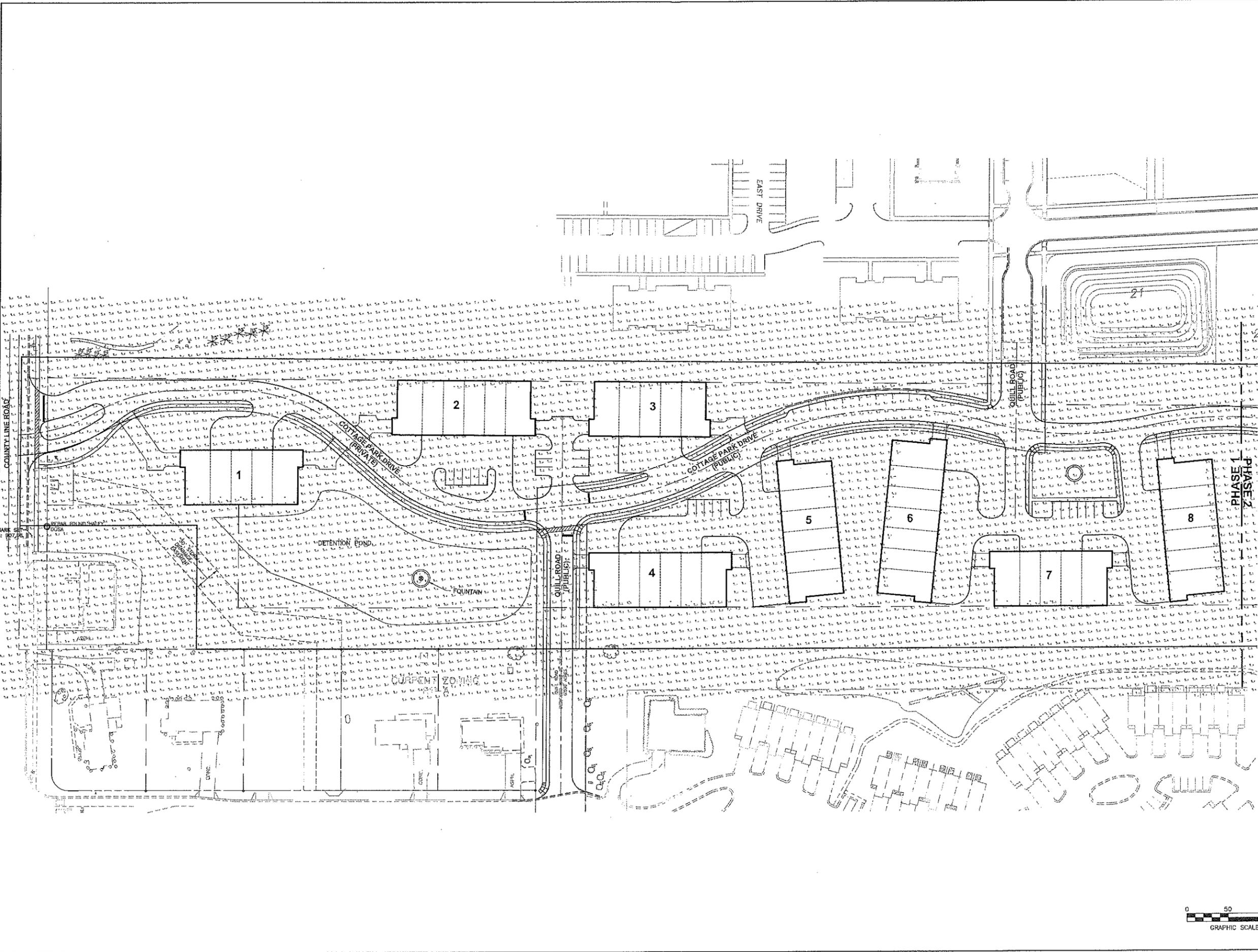
* ALL PERENNIALS ARE GROUPED BY SPECIES.
** SEE LANDSCAPE PLAN FOR TREE SPECIES.

2 **PROTOTYPE & ENLARGEMENT PLANT KEY**



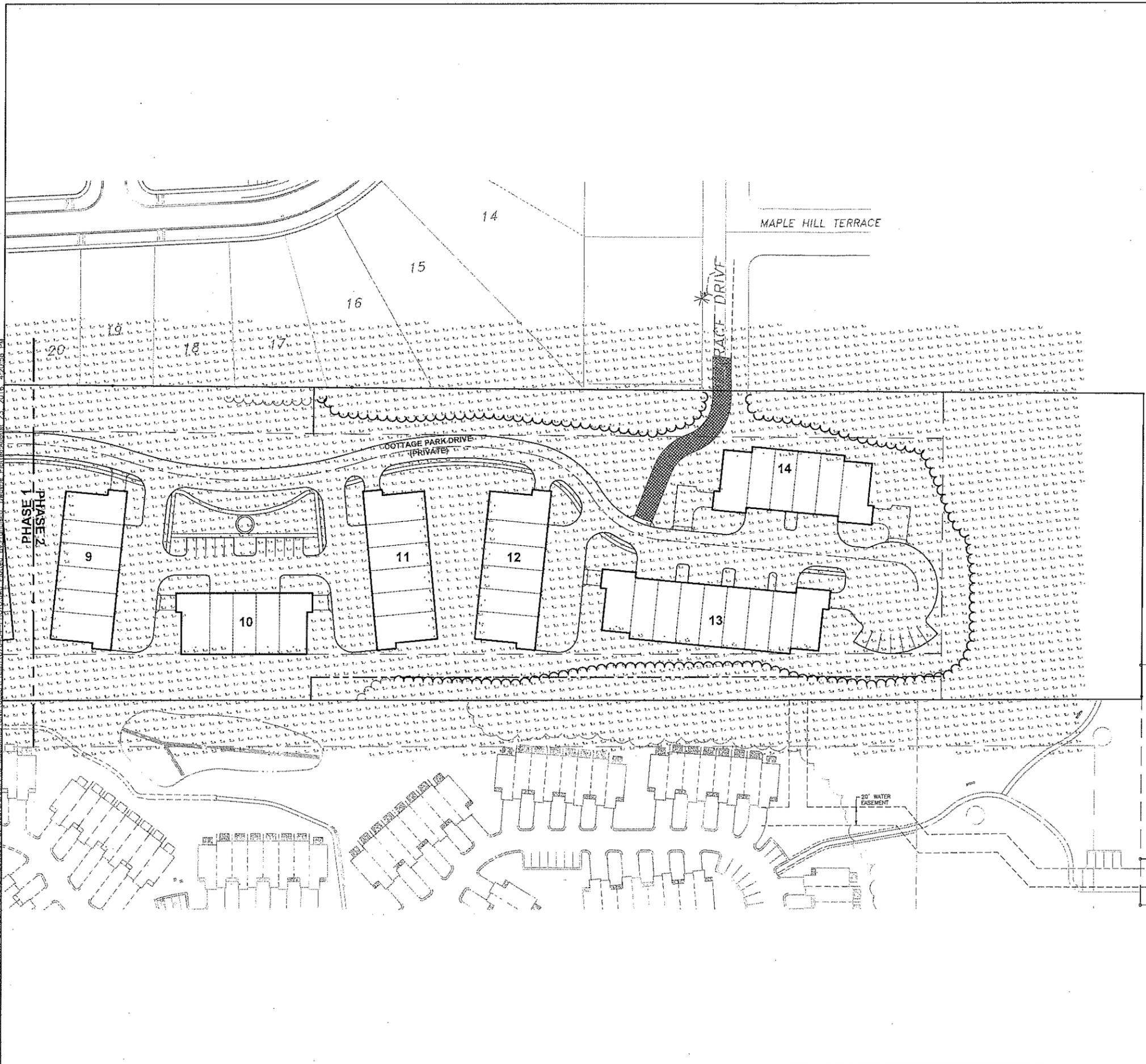
3 **BUILDING FOUNDATION PLANTING PROTOTYPE**
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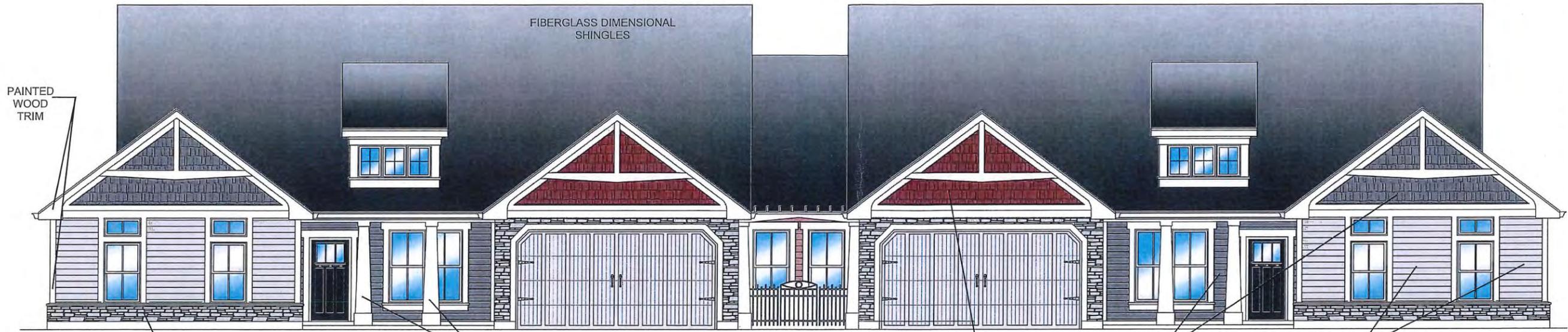


PROJECT No.:		DATE		REVISION	
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DATE		DR. DJF		No.	
		CKD. JAP		8/24/16	
4454 Idea Center Blvd Dayton, OH 45430-1500 937.461.5660 937.461.0743		4454 Idea Center Blvd Dayton, OH 45430-1500 937.461.5660 937.461.0743		DATE	
		WOOLPERT		DES. BS	
COTTAGES OF BEAVERCREEK CHARLES SIMMS DEVELOPMENT CITY OF BEAVERCREEK GREENE COUNTY, OHIO		WOOLPERT		DR. DJF	
		PHOTOMETRICS PLAN		CKD. JAP	
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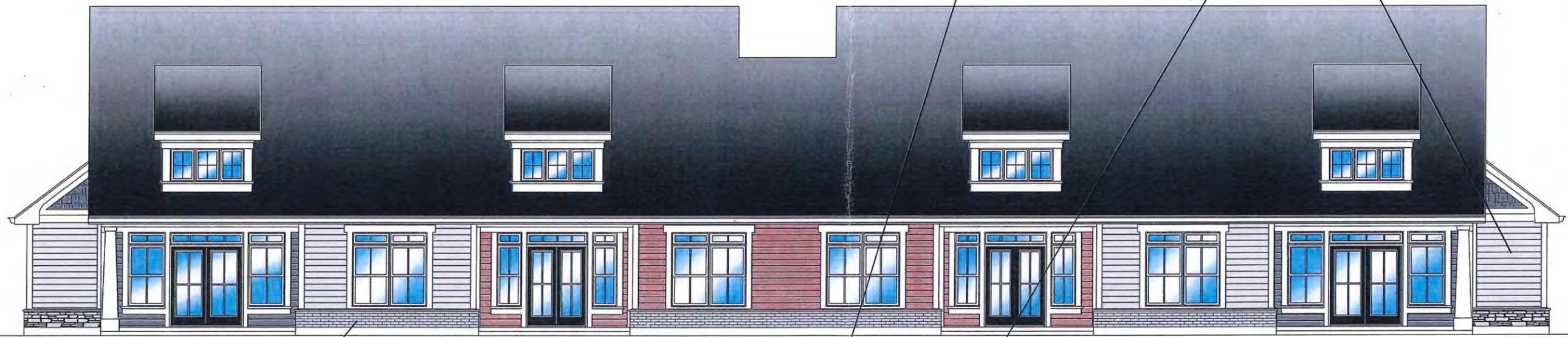
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DATE	DES.	No.	DATE
DR.	DLF	8/24/16	REVISE TO CITY COMMENTS
CND.	JAP		
4454 Idea Center Blvd Dayton, OH 45400-1500 937.461.5660 FAX: 937.461.0743			
COTTAGES OF BEAVERCREEK CHARLES SIMMS DEVELOPMENT CITY OF BEAVERCREEK GREENE COUNTY, OHIO		 WOOLPERT	
SHEET No.		LT-2	



FRONT ELEVATION
SCALE: 1/4"=1'-0"



REAR ELEVATION
SCALE: 1/4"=1'-0"



SIDE ELEVATION
SCALE: 3/16"=1'-0"

ATELIER DESIGN LLC
Architects
1033 East Centerville Station Road
Centerville, Ohio 45459
937-433-0232
Fax 937-433-5032



A PROPOSED BUILDING FOR:
COTTAGES OF BEAVERCREEK
CHARLES V. SIMMS DEVELOPMENT

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No.	Revisions/Submissions	Date

DRAWN: JM
CHECKED: AL
COMPLETION DATE: 7/8/2016

DRAWING TITLE:
PRE-LIM
PLANS

FILE NUMBER 4379

SHEET NO.
A-1.0

RECEIVED

AUG 31 2016

**CITY OF BEAVERCREEK
PLANNING DEPARTMENT**



FRONT ELEVATION
SCALE: 1/4"=1'-0"

CONCRETE FIBER SHAKE SIDING OR PREMIUM VINYL SIDING
CONCRETE FIBER OR PREMIUM LAP SIDING



REAR ELEVATION
SCALE: 1/4"=1'-0"



SIDE ELEVATION
SCALE: 3/16"=1'-0"

ATELIER DESIGN LLC
Architects
1035 East Centerville Station Road
Centerville, Ohio 45459
937-433-0252
Fax 937-433-5032



A PROPOSED BUILDING FOR:
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CHARLES V. SIMMS DEVELOPMENT

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No.	Revisions/Submissions	Date

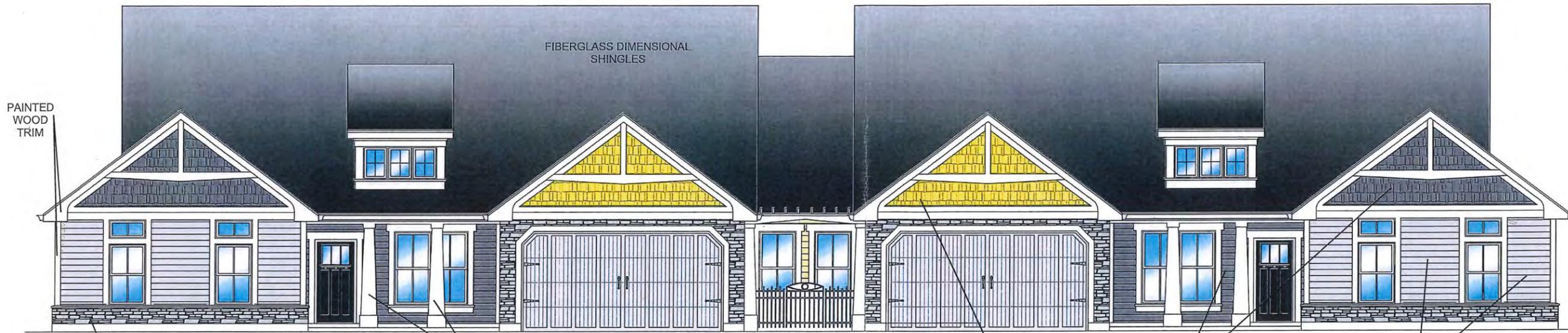
DRAWN: J.M.
CHECKED: A.L.
COMPLETION DATE: 7/8/2016

DRAWING TITLE:
PRE-LIM PLANS

FILE NUMBER 4379

SHEET NO.
A-1.0

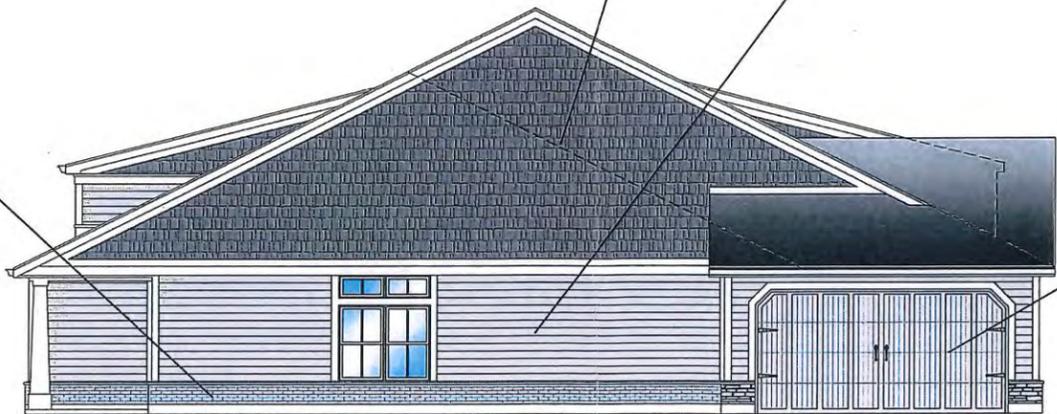




FRONT ELEVATION
SCALE: 1/4"=1'-0"



REAR ELEVATION
SCALE: 1/4"=1'-0"



SIDE ELEVATION
SCALE: 3/16"=1'-0"

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A PROPOSED BUILDING FOR:
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No.	Revisions/Submissions	Date

DRAWN: J.M.
CHECKED: A.L.
COMPLETION DATE: 7/8/2016

DRAWING TITLE:
PRE-LIM
PLANS

FILE NUMBER 4379

SHEET NO.
A-1.0

RECEIVED
AUG 31 2016
CITY OF BEAVERCREEK
PLANNING DEPARTMENT

ORDINANCE NO. 16-22

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER _____ ON THE 10TH DAY OF OCTOBER, 2016.

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.

WHEREAS, Section 132.13 of the City of Beavercreek Code of Ordinances sets forth the regulations regarding panhandling within the City of Beavercreek; and

WHEREAS, the City Council has determined that it would be in the best interest of the City to update Section 132.13 of the City of Beavercreek Code of Ordinances.

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

SECTION I.

Current Section 132.13 "PANHANDLING" of the City of Beavercreek Code of Ordinances is hereby repealed, and new section 132.13 "PANHANDLING" 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 ____ day of _____, 2016.

Bob Stone, Mayor

ATTEST:

Dianne Lampton, Clerk of Council

PREPARED BY: CITY ATTORNEY

SUMMARY

THIS ORDINANCE REPEALS CURRENT SECTION 132.13 "PANHANDLING" OF THE CITY OF BEAVERCREEK CODE OF ORDINANCES AND ADOPTS NEW SECTION 132.13 "PANHANDLING" 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

§ 132.13 PANHANDLING.

(A) *Definitions.* Whenever the following words are used in this section, they shall have the following meanings, unless otherwise provided:

AGGRESSIVE MANNER. Shall mean as follows:

(1) Before, during, or after attempting to engage in panhandling, any behavior that would cause a reasonable person to feel alarmed, intimidated, threatened, restrained, menaced, harassed, or coerced including but not limited to the use of any verbal threats, threatening gestures, abusive language, obscene gestures or obscene language, or screaming and other unreasonable noises;

(2) Before, during, or after attempting to engage in panhandling, blocking the passage of any person or vehicle that impedes the entrance into, or the exit out, of any vehicle, building, business, or establishment, or impedes the person's activities in the vehicle, building, business, or establishment;

(3) Any further attempt to ~~solicit for panhandling~~ **panhandle** after a person has given a negative response, verbally or physically, ~~to a solicitation for panhandling~~ that such **panhandling** solicitation should stop, or that it is unwelcome or offensive;

(4) Before, during, or after attempting to engage in panhandling, having any physical contact with the person that is being ~~solicited~~ **panhandled** by the person panhandling and/or touching or having physical contact with the clothing, purse, or other personal property of the person being ~~solicited~~ **panhandled** by the person panhandling without a statement or other communication that the person ~~being solicited~~ consents to the physical contact and/or touching of the person and/or the person's clothing, purse, or other personal property;

(5) Before, during, or after attempting to engage in panhandling, following behind, ahead, or alongside the person that is being **panhandled** ~~solicited~~;

(6) Any further attempt to ~~solicit for panhandling~~ **panhandle** after the owner or occupant of private property requests that the person cease all ~~solicitation for~~ panhandling, or upon the request of the owner or occupant of the private property for the person panhandling to leave the property;

(7) Any type of panhandling which interferes or disrupts any activity or event occurring on public property, as defined in this section;

(8) By coming within three feet of the person ~~solicited~~ **being panhandled** after that person has indicated that he or she does not wish to make a donation;

(9) By following a person who walks or drives away from the ~~panhandlersolicitor~~ **panhandler**;

(10) By making unreasonable noise or offensively coarse utterance, gesture, or display or communicating unwarranted or grossly abusive language, either during the ~~solicitation~~ **panhandling** or following a refusal; or

(11) By panhandling in a group of two or more persons.

AUTOMATED-TELLER MACHINE. A bank or other financial institution's machine that is able to carry out financial transactions, including, but not limited to cash withdrawals, deposits, transfers, and other financial transactions or inquiries.

FALSE OR MISLEADING REPRESENTATIONS. Shall mean as follows:

(1) Making statements or representing, either verbally or in writing, that the person panhandling suffers from a medical condition, mental or physical disability, or deformity when the person does not suffer from a medical condition, mental or physical disability, or deformity;

(2) Making statements or representing, either verbally or in writing, that the person panhandling has a minor child or other family member they are supporting who suffers from a medical condition, mental or physical disability, or deformity, when in fact that child or other family member does not suffer from a medical condition, mental or physical disability, or deformity and/or the person panhandling does not support that minor child or other family member;

(3) Making statements or representing, either verbally or in writing, that the person panhandling is a military veteran or active duty military member, when the person is not a military veteran or active duty military member;

(4) Making statements or representing, either verbally or in writing, that the person panhandling needs a donation to meet a specific need, when the person panhandling does not have the specific need and/or that person already has sufficient funds to meet that need and does not disclose that the person already has sufficient funds;

(5) Making statements or representing, either verbally or in writing, that the person panhandling is unemployed when the person panhandling is not unemployed; or

(6) Making statements or representing, either verbally or in writing, that the person panhandling is homeless and/or is stranded when in fact the person is not homeless or stranded.

PANHANDLING. To request verbally, in writing, or by gesture or other actions, money, items of value, a donation, or other ~~personal~~ financial assistance **for the requestor's personal use**. ~~Further, panhandling shall include any request for a person to purchase an item for an amount that a reasonable person would consider to be in excess of its value.~~

PUBLIC PROPERTY. All property owned, controlled, or operated by any governmental entity, including but not limited to governmental offices or facilities, public streets, publicly owned parking lots, schools, libraries, post offices, transit facilities, and other public lands, parks, buildings, or grounds.

RIGHT-OF-WAY. Shall have the same meaning as in R.C. § 4511.01 (UU).

(B) *Panhandling restrictions and prohibitions.* No person shall ~~solicit for panhandling~~ **panhandle** in any of the following manners:

(1) In any type of aggressive manner as defined in division (A) of this section.

(2) On any private property in which there is any type of written notice prohibiting solicitation and/or panhandling;

(3) On any other private property, unless the person panhandling has obtained prior permission from the owner or occupant;

(4) From any operator or occupant of a motor vehicle or from any person entering or exiting a motor vehicle;

(5) Within 20 feet of any pedestrians waiting in line for service or waiting in line for an event;

(6) Within 20 feet of any pedestrians waiting in line to obtain access to a building;

(7) Within 20 feet of any entrance or exit of the building for any check cashing business, bank, credit union, or savings and loan during the hours of operation of any of these businesses;

(8) Within 20 feet of any automated-teller machine, as defined in division (A) of this section during its hours of operation;

(9) At any bus stops or bus shelters;

(10) In any vehicle within the right-of-way as defined in division (A) of this section;

(11) In any public transportation vehicle or any public transportation facility;

(12) Within 20 feet of the area of the sidewalk;

(13) Within 20 feet of the entrance or exit of any public facility;

(14) On public property within 20 feet of an entrance to a building;

(15) On public property within 20 feet of an entrance to a parking lot; or

(16) On a public street, by intentionally or recklessly blocking the safe or free passage of a person or vehicle.

(17) In any manner which involves the use of false or misleading representations as defined in division (A) of this section.

(C) *Panhandling by minors.* No parent, guardian, or other custodian of a minor child shall allow or cause, or direct a minor to engage in panhandling. Further, no other adult shall cause a minor to panhandle.

~~(D) *Exclusion.* Panhandling shall not include solicitations made for money or a donation by a charitable or civic organization which does so with the prior permission of the owner or occupant of the premise.~~

~~(DE) *Penalty.* Whoever violates this section is guilty of panhandling, a misdemeanor of the fourth degree. Whoever violates this section three times or more within one year is guilty of a third degree misdemeanor.~~

ORDINANCE NO. 16-23

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER _____ ON THE 10TH DAY OF OCTOBER, 2016.

**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.**

WHEREAS, Chapter 112 of the City of Beavercreek Code of Ordinances sets forth the regulations regarding peddling, soliciting, and distribution within the City of Beavercreek; and

WHEREAS, the City Council has determined that it would be in the best interest of the City to update Chapter 112 of the City of Beavercreek Code of Ordinances.

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

SECTION I.

Current Chapter 112 “PEDDLING AND SOLICITING” of the City of Beavercreek Code of Ordinances is hereby repealed, and new Chapter 112 “PEDDLING, SOLICITING, AND DISTRIBUTION” 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 ____ day of _____, 2016.

Bob Stone, Mayor

ATTEST:

Dianne Lampton, Clerk of Council

PREPARED BY: CITY ATTORNEY

SUMMARY

THIS ORDINANCE REPEALS CURRENT CHAPTER 112 "PEDDLING AND SOLICITING" OF THE CITY OF BEAVERCREEK CODE OF ORDINANCES AND ADOPTS NEW CHAPTER 112 "PEDDLING, SOLICITING, AND DISTRIBUTION" 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

CHAPTER 112: PEDDLING, AND SOLICITING, AND DISTRIBUTION

§ 112.01 DEFINITIONS.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

~~HAWKER, OR PEDDLER OR SOLICITOR.~~ Any person who travels from house to house or place to place, or who on the streets or open places, or on public grounds or places, sells or offers for sale, or exposes for sale, any goods, wares or merchandise to any person not a dealer therein, or who takes orders for the purchase of any such items by sample, lists catalogue, or subscription. All ~~two three~~ terms shall be referred to herein as **PEDDLERSOLICITOR.**

§ 112.02 LICENSE REQUIRED.

~~Soliciting~~ **Peddling** within the city shall be permitted if the **peddler solicitor** obtains a license from the city in the manner hereinafter directed.

§ 112.03 EXEMPTIONS.

This chapter shall not apply:

- (A) Where items are agricultural produce sold by the individual from his/her own farm;
- (B) To selling of newspapers;
- (C) To ~~solicitation~~ **peddling** activities of or sponsored by the city or educational institutions (i.e. Boy Scouts, Girl Scouts, band associations, PTA groups, youth sporting groups, etc.);
- (D) Where the items sold or presented are the result of an invitation by the individual home owner.

Statutory reference:

Local license power, exceptions, see R.C. § 715.63

§ 112.04 APPLICATION.

Any person desirous of obtaining a license as a **peddlersolicitor** or as a helper or assistant thereto, shall apply to the city upon proper blanks to be furnished by the city and sworn to before a notary public or other officer authorized by law to take oaths, and signed by such applicant, stating in what manner he/~~she~~ intends to travel and trade or to conduct business, his/~~her~~ address, and, if employed, the name and address of his/~~her~~ employer, the applicant's physical description, the name and class of the license desired, a statement as to previous convictions for violations of the law, and two true photographs of the applicant. Such applicant shall pay to the city the amount hereinafter set forth.

§ 112.05 FEES.

Licenses issued for peddlers, **and** hawkers ~~and solicitors~~ shall be charged and paid for according to the following rates:

(A) If a person intends to travel on foot, \$5 per day for the first day, \$3 for each succeeding day, or \$15 for one year. An annual \$5 renewal fee is required if the license is extended by the same licensee for more than one year.

(B) If the person intends to use a hand or push car, \$5 per day for the first day, \$3 for each succeeding day, or \$15 for one year. An annual \$5 renewal fee is required if the license is extended by the same licensee for more than one year.

(C) If the person intends to use a vehicle drawn by animals or a mechanically propelled vehicle, \$20 per year, or any part thereof, per vehicle. Use of private vehicle exempted from this division if not used to sell products from within vehicle. (In this instance division (B) above applies only.)

(D) For helpers or assistants to those who use vehicles, \$5 per year.

(E) Persons selling or taking subscriptions for papers, books, magazines pertaining to religion or politics purposes are excluded from a license fee, but shall register pursuant to the conditions of this chapter.

§ 112.06 ISSUANCE OF LICENSES.

The city is required to issue licenses to those who have complied with the provisions of this chapter, and the license granted hereunder shall be in such form as to contain a true photograph of the licensee, his/**her** name, address, physical description and the name of the class of his/**her** license as designated in § 112.05. All licensees shall carry the license described above with them at all times while peddling. No licensee shall change, remove or obliterate any entry made on such license.

§ 112.07 HOURS, DAYS FOR SOLICITATION PEDDLING.

No licensee shall commence ~~soliciting~~ **peddling** before 9:00 a.m. and shall cease ~~soliciting~~ **peddling** no later than 9:00 p.m., Monday through Saturday, except in the case where a prearranged appointment has been made in agreement with the party being ~~peddled~~ **solicited**. No ~~solicitations-~~ **peddling** shall be made ~~occur~~ on Sunday.

§ 112.08 RECORDS OF LICENSES.

A full, complete record of each license issued hereunder, including renewals, suspensions or revocations thereof, and serious complaints and charges against the licensee together with his/**her** photograph, shall be kept on file by the city.

§ 112.09 USE OF PEDDLER'S VEHICLE.

The vehicles used by licensed ~~solicitors~~ **peddlers**, when engaged in their licensed business on the streets or public places of the city, must be kept in motion, except when making sales, and their movements must be timed and executed so as to cause minimum interference with traffic.

Such vehicle shall not occupy any street or any public park or place in the city as a temporary or permanent vendor's stand. No more than two persons shall sell or operate on or in connection with any ~~seller~~**peddler's** wagon or truck. The owner or person in charge of such vehicle shall have a ~~seller~~**peddler's** license, as provided in this chapter.

§ 112.10 SELLER OF FOODSTUFFS.

(A) No license, under this chapter, shall be issued to anyone who sells or expects to sell foodstuffs, unless he/**she** shall have a permit from the Health Officer, and all meats shall be government inspected and refrigerated and properly labeled. Before issuing such permit, the Health Officer may require under oath, if desired, such information regarding the moral and physical fitness and the identification of the applicant, the kind, condition, ownership and place of storage of the vehicle used in peddling, the nature and scope of his/**her** business and such other similar information as he/**she** may deem necessary to protect the general welfare and health of the public. If, in securing such information, the knowledge of certain facts obtained shall make it seem that the applicant for a license under this chapter should not be granted such license, then a full report on the case shall be made to council for its consideration and disposition before a license is issued.

(B) All vehicles used in the sale of foodstuffs must be kept clean and in a sanitary condition at all times, and when containing loads or parts of loads of food products, they must be kept only in places which, in the opinion of the Health Officer, are sanitary and wholesome.

(C) The Health Officer shall have the authority to order, through notices mailed or delivered to the licensees or by publication, that food products which are not cooked or washed before eating, or which are not protected by a natural covering which is removed before eating, shall be covered or carried in a closed receptacle of approved kind so as to protect them from exposure to dust and insects, and it shall be the duty of all licensees, when so ordered, to comply with the provisions of this section.

§ 112.11 SUSPENSION OR REVOCATION OF LICENSE.

The City Manager shall have the power to suspend any license issued hereunder for violation of a city ordinance or any condition or regulation under which a license was granted, or for undesirable business practices. Such suspension may be accomplished summarily upon a sworn affidavit filed with the City Manager setting forth grounds for such suspension. The City Manager shall report all suspensions to Council, which may, for cause shown, revoke or reinstate the license after giving the licensee reasonable notice and an opportunity to be heard. No person whose license has been revoked shall receive another license for a period of one year thereafter. In the event of revocation, the license fee shall not be refunded.

§ 112.12 EXPIRATION DATES OF LICENSES.

All licenses issued for ~~seller~~**peddlers** shall expire on December 31, unless a prior date is fixed therein.

§ 112.13 NOISE PROHIBITIONS.

Any person who travels from house to house, or from place to place, whether doing so on foot or otherwise, or who on the streets, or public grounds or places, sells, or offers, or exposes for

sale, any goods, wares, merchandise, foodstuffs, confections or refreshments to any person not a dealer therein, shall not make, or cause, permit or allow to be made, any noise of any kind by personal outcry from any person or by the use of horns, bells or any other mechanical or electrical contrivance or device for the purpose of advertising such goods, for attracting attention to such person and his/her wares and to notify his/her presence in the vicinity as a seller of wares, when within 200 feet of any public, parochial or private school during the regular hours of operation thereof and when any of such schools are in operation with children or pupils in attendance. When in other areas of the city, no such person shall make, cause, permit or allow to be made, any loud, unusual or unnecessary noise in any manner or way so as to be annoying and disturbing to the inhabitants of the city, and in no event after 9:00 p.m.

§ 112.14 DEFINITIONS FOR SOLICITING.

(A) The terms “solicit” or “soliciting” mean “the spoken, written, or printed word or such other acts or bodily gestures as are conducted in furtherance of the purposes of immediately obtaining money or any other item of value.”

(B) The term “distribution” means “an exchange or an attempt to exchange a physical item between two or more individuals.”

§ 112.15 PLACE OF SOLICITING.

No person shall solicit another person in any of the following places:

- (1) In any public transportation vehicle or facility;**
- (2) In or at any sports stadium owned or operated by a political subdivision;**
- (3) In or at any hall or theater owned or operated by a political subdivision;**
- (4) On private property, after an owner, lessee, resident, or agent thereof has given notice to the solicitor that he or she is not permitted to solicit on that property.**

§ 112.16 FALSE OR MISLEADING DISTRIBUTION

(A) No person who is engaging in or attempting to engage in distribution shall knowingly make a false or misleading statement or representation with the purpose to defraud or knowing that the person is facilitating a fraud.

(B) Words or phrases used in this section that are not otherwise defined in this Chapter shall have the same meanings as defined in Chapter 2913 of the Ohio Revised Code.

§ 112.17 DISTRIBUTION IN A RIGHT-OF-WAY.

(A) No person shall engage in distribution with the occupant of a vehicle in a right-of-way unless such vehicle is lawfully stopped, standing, or parked in compliance with Chapter 4511 of the Ohio Revised Code and Title VII of the Code of Ordinances.

(B) No person who is within a right-of-way shall engage in distribution with the occupant of a vehicle stopped in a right-of-way in obedience to a traffic control signal. However, a person may engage in distribution with the occupant of a vehicle in the right-of-way so long as he or she remains on the surrounding sidewalks or unpaved shoulders and not in or on the right-of-way itself, including any medians or traffic islands within the right-of-way.

(C) For the purpose of this section, the terms “stop,” “stand,” and “park” shall have the same meanings as defined in section 70.01 of the Code of Ordinances.

(D) All other words or phrases used in this section that are not otherwise defined in this Chapter shall have the same meanings as defined in Section 4511.01 of the Ohio Revised Code.

§ 112.18 AGGRESSIVE DISTRIBUTION.

No person shall engage or attempt to engage in distribution in the following manners:

(1) By knowingly touching or grabbing another person without that person’s consent.

(2) By knowingly following another person or continuing to engage or attempt to engage in distribution with that person after that person has made an affirmative communication that he or she is unwilling or unable to engage in distribution.

(3) By knowingly approaching within three feet of another person and continuing to engage or attempt to engage in distribution with that person after he or she has made an affirmative communication that her or she is unwilling or unable to engage in distribution.

§ 112.19 ATM PRIVACY.

No person shall knowingly approach within three feet of any person who is actively using an automated teller machine without that person’s consent.

§ 112.99 PENALTY.

Whoever violates any provision of this chapter shall be deemed guilty of a fourth degree misdemeanor and shall be fined not more than \$250 and imprisoned not more than 30 days or both. Each additional violation within 12 months shall constitute a third degree misdemeanor subject to a fine not to exceed \$500 and imprisoned not more than 60 days, or both. Each day's continued violation shall constitute a separate offense.

ORDINANCE NO. 16-24

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER _____ ON THE 10TH 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 ____ day of _____, 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.

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

MC 10616

Meeting Date: <u>October 10, 2016</u>	Reference Topic: ODOT Municipal Bridge Inspection Program; PID No. 102554
Agenda Reference No.: <u>VII. D.</u>	Resolution 16-20

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 checked="" 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:

The Ohio Department of Transportation (ODOT) has recently announced the renewal of their local bridge inspection program, where ODOT will have the required annual inspections performed on City maintained bridges at no cost to the City. These inspections are limited to structures that are currently open to vehicular traffic, so bridges that carry pedestrian/bicyclists are not eligible under this program.

The City of Beavercreek maintains 18 bridges that qualify for ODOT funded inspections. The remaining 6 bridges in the City's inventory will still need to be inspected by the City since they carry pedestrians and bicyclists. This program is currently scheduled to last for a three year period, and it is estimated this program will save the City around \$6,500 per year.

STAFF RECOMMENDATION:

It is therefore recommend that City Council approve the attached resolution authorizing the City Manager to execute the attached agreement.

**CITY OF BEAVERCREEK
RESOLUTION NO. 16-20**

SPONSORED BY COUNCIL MEMBER _____ ON THE 10TH DAY OF OCTOBER, 2016.

A RESOLUTION GIVING CONSENT TO THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION TO PROCEED WITH BRIDGE INSPECTION PROGRAM SERVICES PROJECT; PID NO. 102554.

WHEREAS, the State has identified the need for the described project:

Bridge Inspection Program Services, including, but not limited to bridge load rating calculations, scour assessments, bridge inspections, and fracture critical plan development.

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

SECTION I.

Being in the public interest, the City of Beaver creek gives consent to the Director of the Ohio Department of Transportation to complete the above described project.

SECTION II.

The City of Beaver creek shall cooperate with the Director of the Ohio Department of Transportation in the above described project as follows:

The State shall assume and bear 100% of all cost for the Bridge Inspection Program Services requested by the City and agreed to by the State. Eligible Bridge Inspection Services are described in the Consultant's Scope of Services Task Order Contract (Exhibit A).

The City of Beaver creek agrees to pay 100% of the costs of those features which are not included in Exhibit A.

SECTION III.

The City of Beaver creek agrees that all right-of-way required for the described project will be made available in accordance with current State and Federal regulations.

SECTION IV.

The City Manager of said City of Beavercreek is hereby empowered on behalf of the City of Beavercreek to enter into contracts with the Director of the Ohio Department of Transportation necessary to complete the above described project.

SECTION V.

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 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 limiting to Section 121.22 of the Ohio Revised Code.

SECTION VII.

This Resolution shall become effective immediately upon its passage.

THIS RESOLUTION IS ADOPTED BY THE Council of the City of Beavercreek, Ohio this 10th day of October, 2016.

Bob Stone, Mayor

ATTEST:

Dianne Lampton, Clerk of Council

EXHIBIT A

General Engineering Services Scope of Services
Central Office, Office of Structural Engineering
PID No. 102554

Scope of Services Meeting Date: **/**/**
Approved Final Scope of Services Minutes Date: **/**/**

GENERAL ENGINEERING SERVICES Central Office, Office of Structural Engineering Scope of Services

The CONSULTANT may be required to perform the following services on a task order type basis for bridges designated by regulation or by agreement as City or Village inspection responsibility. Consultants must be prequalified for Level 1 Bridge Inspection services, which may include but are not limited to the following:

Task 1 - Scour Tasks

- Task 1A - Scour Critical Assessment
- Task 1B - Scour Plan-of-Action
- Task 1C – Scour Analysis

Task 2 - Load Rating Tasks

- Task 2A - Field Measurements for Load Rating
- Task 2B - Load Rating Calculations

Task 3 – SMS Structure Inventory and Review

Task 4 – Inspection Procedures

- Task 4A - Fracture Critical Plan
- Task 4B – Underwater Inspection Procedures

Task 5 - Bridge Inspection

- Task 5A – Routine Bridge Inspection
- Task 5B – Fracture Critical Inspection
- Task 5C – Underwater Dive Inspection

Services shall be conducted in accordance with the following:

- ODOT Manual of Bridge Inspection, Latest Version
- Hydraulic Engineering Circulars 18, 20 and 23
- The Manual for Bridge Evaluation, Second Edition 2013 interim with revisions, AASHTO Publication
- Bridge Inspector's Reference Manual, FHWA NHI Publication Number: 12-049, Publication Year: 2012
- Underwater Bridge Inspection, FHWA Publication Number: FHWA NHI-10-027, Publication Year: 2010
- ODOT SMS Bridge and Inventory Coding Guide, Latest Version
- ODOT Bridge Design Manual, Latest Version

All work shall be performed on an actual cost basis. The CONSULTANT shall maintain a project cost accounting system that will segregate costs for individual task orders.

The duration of the agreement will be thirty-six (36) months from the authorization date of the agreement.

The Department will be performing an annual Quality Assurance Review (QAR) for each selected consultant in accordance with Manual of Bridge Inspection to ensure accuracy and consistency of the inspection and documentation in SMS. This typically includes an office and field review.

The project will be divided in to four (4) sub-projects (SP). A CONSULTANT will be selected for each sub-project. Municipalities opted into the previous inspection program will have the option to renew their legislation. The sub-projects have the following general geographic areas, category characteristics, and maximum contract values for the municipalities with with municipal inspection responsibility obtained from SMS data as of July 2016:

Project: SP01 - District (1, 2, &3), Total Structures = 406*

Type	Span =< 20'	20' < Span =< 60'	60' < Span =< 200'	Span > 200'	Total
Single Span	157	149	21	0	327
Multi-Span	20	19	27	13	79
Culvert	116	33	0	0	149
Truss	0	7	14	0	3
Underwater Inspection	0	0	0	0	0
Fracture Critical Inspection	0	2	2	0	4

* Level 1 bridge inspection structures

General Engineering Services Scope of Services
 Central Office, Office of Structural Engineering
 PID No. 102554

Project: SP02 - District (4, 11, &12), Total Structures = 211*

Type	Span =< 20'	20' < Span =< 60'	60' < Span =< 200'	Span > 200'	Total
Single Span	70	71	20	0	161
Multi-Span	6	7	22	15	50
Culvert	51	23	1	0	75
Truss	13	12	38	0	6
Underwater Inspection	0	0	0	1	1
Fracture Critical Inspection	0	1	4	0	5

* Level 1 Bridge Inspection structures

Project: SP03 - District (5, 6, &10), Total Structures = 285*

Type	Span =< 20'	20' < Span =< 60'	60' < Span =< 200'	Span > 200'	Total
Single Span	104	99	24	0	227
Multi-Span	4	6	31	17	58
Culvert	72	32	4	0	108
Truss	0	0	54	0	7
Underwater Inspection	0	0	0	1	1
Fracture Critical Inspection	0	0	7	0	7

* Level 1 bridge inspection structures

Project: SP04 - District (7, 8 &9), Total Structures = 377*

Type	Span =< 20'	20' < Span =< 60'	60' < Span =< 200'	Span > 200'	Total
Single Span	121	118	22	0	261
Multi-Span	23	44	37	12	116
Culvert	109	86	4	0	199
Truss	0	7	21	12	5
Underwater Inspection	0	0	1	0	1
Fracture Critical Inspection	0	2	3	1	6

* Level 1 bridge inspection structures

Please note that the total number of structure types is estimated based on current SMS data and may be adjusted when tasks are assigned. The estimated annual contract price value for each sub-project is as follows:

SP01 \$280,000
SP02 \$200,000
SP03 \$230,000
SP04 \$290,000

CONSULTANT shall clearly designate in the letter of intent the SP(s) they wish to be considered for.

Three (3) copies of the letter of intent shall be submitted. The letter of intent shall demonstrate that the CONSULTANT has a clear understanding of the scope of services.

Price Proposal Due Date: **//****

UNDERSTANDING

1. Inspections shall be completed by firms prequalified with ODOT for Level 1 bridge inspection with full time staff according to Manual of Bridge Inspection.

2. All reports and records compiled under this agreement shall become the property of the City or Village and shall be housed in the City or Village. ODOT shall receive an electronic copy of plans, analysis files, reports and other items mentioned below.

- a) CONSULTANT shall perform all applicable updates to SMS with new or revised information for structure inventory and appraisal data, inspections, scour, fracture critical members, and load ratings.
- b) CONSULTANT shall submit copies of all reports and calculations electronically, or in hard copies when requested, to the City or Village for inclusion in their bridge records.
- c) This includes, as applicable, a printed copy of the inspection report, Scour Plan-of-Action, Fracture Critical Plan, load rating report, gusset plate analysis, inspection procedures, and field measurement notes, digital pictures as well as a reproducible digital data file (.pdf, .doc, and .xls formats).

3. Copies of all transmittal letters related to this Task Order shall be submitted to Central Office, Office of Structural Engineering.

- a) When required, CONSULTANTS shall locate the original construction plans, as-built, and shop drawings from archive locations specified by the municipality and upload them onto SMS.

Services to be furnished by CONSULTANT may include:

TASK 1 - SCOUR TASKS

Task 1A – Scour Critical Susceptibility NBIS Item 113) - The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection. Deliverables include field notes, a completed Scour Critical Assessment Checklist as per Appendix I of the 2014 Manual of Bridge Inspection, and any other reference material needed for the bridge owner to properly maintain their bridge files.

Task 1B - Scour Plan-of-Action - The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection Appendix H for the scope of this task. Deliverables include a completed Scour Plan-of-Action, field notes, calculations, and any other reference material needed by bridge owner to maintain bridge files.

TASK 2 – LOAD RATING TASKS

Task 2A - Field Measurements for Load Rating - Should no plans exist or if additional information is required, each main member shall be field measured for load rating. The condition of the member should be noted on the field documentation. All measurements shall be included in the load rating report.

Task 2B - Load Rating Calculations – A bridge carrying vehicular traffic shall be rated to determine the safe load carrying capacity. The CONSULTANT shall review existing bridge plans and inspection reports and other inspection information such as photographs and estimates of section loss for bridge members and connections. The analysis for existing structures shall be performed for AASHTO HS20-44 [MS 18] (truck, lane, & military) loading for both inventory and operating levels, and for the four Ohio Legal Loads including the special hauling vehicles (2F1, 3F1, 4F1, and 5C1, SU4, SU5, SU6, SU7, and NRL) at operating level. The CONSULTANT shall try to complete the load rating analysis utilizing BrR (Virtis) at first. Hand-calculations or Spreadsheets if BrR is not applicable. The BrR analysis file, other load rating files, and BR100 shall be included with the submittal to OSE.

The inventory and operating ratings shall be coded as per the most recent version of the ODOT Bridge Inventory Coding Guide. Update SMS Inventory with the load rating results and upload BR100 pdf file.

The electronic deliverable shall include if applicable an Excel spreadsheet or other files used for analysis for each bridge which shall include the member areas, member capacities both with and without section loss, influence lines (can be the ordinates or graph of the lines), dead loads and dead load stresses in members, live loads and live

load stresses in members for all truck loadings and the load ratings of the members. Truck loadings to be used for the ratings are specified in BDM Section 900.

The Load Rating Report shall be prepared by a registered or non-registered engineer and it shall be checked, signed, sealed and dated by an Ohio Registered Professional Engineer.

The Load Rating Report shall explain the method used to calculate the load rating of each bridge.

AASHTO Load Factor Rating (LFR) shall be utilized for all bridges not designed by Load and Resistance Factor Design. AASHTO Load and Resistance Factor Rating (LRFR) shall be utilized for all structures designed for HL93 loading.

Load Rating Report Submittal to the City or Village shall include:

- a. Two (2) printed copies and one electronic pdf copy of the Load Rating Report for each bridge.
- b. Final summary of inventory and operating ratings for each member and the overall ratings of the structure shall be presented for each live load truck. An acceptable format is ODOT form BR-100.
- c. Analysis program input files. Both input and output files shall be submitted when programs other than BrR or spreadsheets are used.
- d. All calculations related to the load rating.

TASK 3 – SMS STRUCTURE INVENTORY AND REVIEW

The scope of this task includes a limited review of the structure inventory data in the ODOT SMS. In general, the CONSULTANT shall review specific existing ODOT bridge inventory records (as provided by the City and approved by ODOT) of the designated bridge. The CONSULTANT may download the inventory report, which contains inventory data for each bridge on file with ODOT from the ODOT website. The CONSULTANT shall verify this data and determine if the ODOT SMS structure file information needs changing. If no changes are necessary then no SMS inventory needs to be filled out. If changes are necessary, the scope of this task shall also include completing and filing inventory updates (and supplements, as needed) in SMS. The CONSULTANT shall refer to the ODOT Office of Structural Engineering Inventory and Coding Guide of SMS for inventory coding details.

TASK 4 – INSPECTION PROCEDURES

Task 4A – Fracture Critical Plan – A Fracture Critical Member Plan and inspection procedure shall be developed and updated. For more details, refer to Chapter 4: Inspection Types in the Manual of Bridge Inspection. It shall include:

1. Sketches of the superstructure with locations of all fatigue and fracture prone details identified.
 - a. Use framing plan or schematic with detail locations labeled and a legend explaining each labeled item on the scheme.
 - b. Use an elevation view for trusses.
 - c. Classify similar fatigue/fracture prone details as types (e.g. end of partial cover plate).
2. A table or location of important structural details indicating:
 - a. Type of detail (e.g. end of partial cover plate, short web gap, etc.)
 - b. Location of each occurrence of detail
 - c. AASHTO Fatigue Category of detail
 - d. Identify retrofits previously installed
3. Risk Factors Influencing the inspector access.

Photos and sketches shall be properly referenced. The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection for additional details on the scope of this task.

Task 4B – Underwater Inspection Procedures – An underwater inspection procedure shall be developed. For more details, refer to Chapter 4: Underwater Inspections in the Manual of Bridge Inspection.

TASK 5 – BRIDGE INSPECTION

Task 5A – Routine Bridge Inspection (SMS Input) - Perform a routine field inspection of the structure to determine the general condition. The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection for additional details on the scope of this task. Section 1111 of the Moving Ahead for Progress in the 21st Century Act (MAP-21) modified 23 U.S.C.144, requires Ohio to report bridge element level data for NBIS bridges on the National Highway System (NHS) to FHWA. A condition rating or element level inspection will be assigned. This task includes: Condition Rating Inspection for non-NBI structures, Condition Rating Inspection for NBI structures, and Element Level Inspection for NBI classified as NHS.

Task 5B – Fracture Critical Inspection - Perform a fracture critical field inspection of fracture critical items. The CONSULTANT shall update the FCM inspection procedure with current photos and descriptions. The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection for additional details on the scope of this task.

Task 5C – Underwater Dive Inspection – Perform Underwater/ In-Water inspection of substructure units according to the cycle shown in SMS. Emergency underwater inspection may arise for specific structures over the duration of the contract period. Work shall be done in accordance with the reference manuals and inspection procedure. Scour risk shall be evaluated after field and data collection.

Agreement Administration Procedures

- I. **Type I Task Order Notification and Authorization Procedures for task orders less than \$10,000 with a well-defined scope of services**
 - A. Central Office will identify a task order, assign a task order number and develop a detailed scope of services.
 - B. Central Office will authorize the CONSULTANT to perform the task by standard authorization letter that includes:
 1. A detailed scope of services for the task order.
 2. The completion time from authorization.
 3. The maximum compensation (including net fee).
 - a. The net fee shall be calculated as 11% of actual cost (labor + overhead + direct non-salary expenses). Subconsultant net fees shall be calculated in the same manner but the prime CONSULTANT shall not earn net fees on subconsultant costs.
- II. **Type II Task Order Proposal Request, Review and Authorization Procedures for task orders greater than \$10,000**
 - A. Central Office will identify a task order, assign a task order number and develop a detailed scope of services
 - B. Central Office will prepare a request for a task order proposal in the format included herein and transmit it to the CONSULTANT. Review of the task order request and task order proposal preparation are allowable costs and shall be shown as a separate line item in the proposal.
 - C. Standard Proposal Format - Each Task Order Proposal shall include the following elements:
 1. Letter of transmittal with reference to include:
 - a. Central Office General Engineering Services Agreement
 - b. PID No.
 - c. Agreement No.
 - d. Task Order No.The project for which the task order is being performed shall NOT be in the letter of transmittal reference, but shall be referenced in the body of the letter.
 2. All other proposal requirements shall conform to Chapter 6, Price Proposals for Agreements and Modifications, of the current Specifications for Consulting Services.
 3. Appendix A of the CONSULTANT's proposal shall include the task order proposal request transmitted to the CONSULTANT by the District.
 - D. Central Office will review the CONSULTANT's proposal for:
 1. Adherence to submittal requirements.
 2. Compliance with the scope of services.
 3. Mathematical accuracy.
 4. Labor hours and rates.
 5. Net fee percentage.
 - E. Central Office will resolve any issues with the CONSULTANT and obtain a revised proposal (if necessary).
 - F. Central Office will authorize the CONSULTANT to proceed with the task.

III. Task Order Identification and Numbering

- A. The task order numbering system shall be a three component series consisting of the Sub-Project (SP) number assigned to each consultant under this PID, second number is for the year, third is for sequential number of task orders.
 - 1. For example, the first task order issued in in 2017 for SP01 is SP01-2017(1).
 - a. Continuing task orders on that project would be numbered SP01-2017(2).
 - 2. A new task order number shall be assigned rather than increase the fee of an existing task order.

IV. Invoice and Project Schedule Requirements

- A. The CONSULTANT shall provide monthly invoices and project schedules in the format transmitted with the executed agreement. Each invoice shall include all task orders authorized, a summary of the total amount authorized, the total amount invoiced and appropriate project schedules.

Authorization to Proceed - Type I Task Order

Consultant Name and Address

Re: Central Office, Office of Structural Engineering
General Engineering Services Agreement
PID No.
Agreement No.
Task Order Number (FIPS Code) - (Number)

Dear Consultant:

Effective this date you are hereby authorized to proceed with the subject task order.

Project Identification

- a. Bridge List
- b. Tasks required on each bridge

Services Requested

(Detailed description of services required.)

Documents Furnished by the Agency (attached)

Additional Scope of Services Notes

Task Order Completion Time

___ days from Notice to Proceed.

Prime Compensation

The State agrees to compensate the CONSULTANT for the performance of the task order specified in accordance with Agreement No. _____, as follows:

Actual costs plus a net fee. The Maximum Prime Compensation shall not exceed _____ (\$ _____). The net fee shall be calculated as 11% of actual cost (labor + overhead + direct non-salary expenses). Subconsultant net fees shall be calculated in the same manner but the prime CONSULTANT shall not earn net fees on subconsultant costs.

Please address your written acknowledgment of this communication to:

Omar Abu-Hajar

Omar.Abu-Hajar@dot.ohio.gov

Office of Structural Engineering
Ohio Department of Transportation
1980 West Broad Street
3rd Floor - Mail Stop 5180
Columbus, OH 43223-1102

Respectfully,

cc: Tim Keller, file

Request for Task Order Proposal - Type II Task Order

Consultant Name and Address

Re: Central Office, Office of Structural Engineering
General Engineering Services Agreement
PID No.
Agreement No.
Task Order Number SP0X - (Number)

Dear Consultant:

Please provide a cost proposal for the subject task order as follows:

Project Identification

- a. Bridge List
- b. Tasks required on each bridge

Services Requested

(Detailed description of services required.)

Documents Furnished by the State (attached)

Additional Scope of Services Notes

Task Order Completion Time

___ days from Notice to Proceed.

Due date for Cost Proposal:

**General Engineering Services Scope of Services
Central Office, Office of Structural Engineering
PID No. 102554**

Please submit your proposal to:

Omar Abu-Hajar

Omar.Abu-Hajar@dot.ohio.gov

Office of Structural Engineering
Ohio Department of Transportation
1980 West Broad Street
3rd Floor - Mail Stop 5180
Columbus, OH 43223-1102

Respectfully,

cc: Tim Keller, file

If you have any questions or comments regarding this request, please contact this office prior to submitting your proposal.

Respectfully,

Attachments:

cc: file

Authorization to Proceed - Type II Task Order

Consultant Name and Address

Re: Central Office, Office of Structural Engineering
General Engineering Services Agreement
PID No.
Agreement No.
Task Order Number SP0X-(Number)

Dear Consultant:

Reference is made to your task order proposal dated _____, requesting compensation for the identified task.

Effective this date you are hereby authorized to proceed with the subject task order.

Prime Compensation

The State agrees to compensate the CONSULTANT for the performance of the task order specified in accordance with Agreement No. _____, as follows:

Actual costs plus a net fee of _____ (\$ _____). The maximum prime compensation shall not exceed _____ (\$ _____).

Please address your written acknowledgment of this communication to:

Omar Abu-Hajar

Omar.Abu-Hajar@dot.ohio.gov

Office of Structural Engineering
Ohio Department of Transportation
1980 West Broad Street
3rd Floor - Mail Stop 5180
Columbus, OH 43223-1102

Respectfully,

cc: Tim Keller, file

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



Meeting Date: <u>October 10, 2016</u>	Reference Topic: MVRPC MAP-21 Funding Applications
Agenda Reference No.: <u>VII.E.</u>	<u>Resolution 16-24</u>

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

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input checked="" 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:

The Miami Valley Regional Planning Commission (MVRPC) has recently circulated a request for new projects utilizing Federal MAP-21 funding. The project types that are eligible under this program are Surface Transportation Program (STP) projects, Congestion Mitigation and Air Quality (CMAQ) projects, and Transportation Alternative (TA) projects. Project funding under these programs are awarded on a competitive basis, with funds being available as early as State Fiscal Year 2022 (July 2021) for standard CMAQ, STP and TA projects.

Staff has evaluated the requirements of the MVRPC funding programs and has generated a number of funding applications that should be eligible to submit to MVRPC for financial assistance in the categories described above.

STAFF RECOMMENDATION:

The attached Resolution authorizes the submittal of applications for funding through MVRPC, and establishes the City's project priority ranking. The projects authorized by this Resolution, the suggested priority ranking of each project, exemption request from complete Street elements as explained in MVRPC's Complete Street Policy (if applicable), and the improvement costs are summarized below:

Project Rank	Project Title	Complete Street Exemption(s)	Group(s) Exemption(s) for	Grant Request	Total Cost
1	North Fairfield Road Resurfacing (North Drive to Kemp Road)	4	Simple Resurfacing	\$ 657,552	\$ 1,145,920
2	Factory Road Widening (Nutter Park to Creekside Trail)	None	N/A	\$ 577,500	\$ 960,000

Project Rank	Project Title	Complete Street Exemption(s)	Group(s) Exemption(s) for	Grant Request	Total Cost
3	Grange Hall Road Widening (Summerfield Drive to Kemp Road)	None	N/A	\$ 2,247,000	\$ 3,596,000
4	Indian Ripple Road Resurfacing (Stroop to Sylvania)	4	Simple Resurfacing	\$ 727,489	\$ 1,089,270
5	Kemp Road Widening (N Fairfield Road to Hanes Road)	None	N/A	\$ 1,832,625	\$ 2,693,500
6	Col. Glenn Highway Enhancement – Phase II (Zink Road to west of Presidential Drive)	None	N/A	\$ 346,500	\$ 552,000

MVRPC requires that the City rank all submitted funding applications, with the three (3) highest ranking projects receiving additional points under MVRPC's project scoring system. This suggested project priority ranking is based upon both project need and project scoring under the MVRPC project rating system. The ranking of these projects may be adjusted if deemed appropriate by City Council.

It is therefore recommend that City Council approve the attached resolution authorizing the submittal of these funding applications with the submitted Complete Street exemptions.

**CITY OF BEAVERCREEK
RESOLUTION NO. 16-24**

SPONSORED BY COUNCIL MEMBER _____ ON THE 10TH DAY OF OCTOBER, 2016.

**A RESOLUTION AUTHORIZING THE SUBMITTAL OF APPLICATIONS
FOR FEDERAL MAP-21 FUNDS THROUGH THE MIAMI VALLEY
REGIONAL PLANNING COMMISSION**

WHEREAS, the Miami Valley Regional Planning Commission (MVRPC) has solicited local government entities to submit new transportation projects for funding consideration in the SFY 2015-2018 Transportation Improvement Program (TIP); and

WHEREAS, the City of Beavercreek has committed to a timely project development schedule; and

WHEREAS, the City of Beavercreek will commit the necessary resources to support the estimated local cost portion of the projects and the following list of projects will be submitted to MVRPC, shown in order of the City of Beavercreek's priority from number 1 to 7:

1. N. Fairfield Road Resurfacing – Estimated Local Share \$488,368
2. Factory Road Widening – Estimated Local Share \$382,500
3. Grange Hall Road Widening – Estimated Local Share \$1,349,000
4. Indian Ripple Road Resurfacing – Estimated Local Share \$361,781
5. Kemp Road Widening – Estimated Local Share \$860,875
6. Col. Glenn Hwy. Enhancement Phase II – Estimated Local Share \$205,500

WHEREAS, the City of Beavercreek requests the following exemptions from MVRPC's Complete Streets Policy for the proposed project funding applications:

1. N. Fairfield Road Resurfacing (Exemption 4)
2. Factory Road Widening (None)
3. Grange Hall Road Widening (None)
4. Indian Ripple Road Resurfacing (Exemption 4)
5. Kemp Road Widening (None)
6. Col. Glenn Streetscape Phase II (None)

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

SECTION I.

This Resolution shall serve to authorize the transmittal and submittal of applications for the following transportation projects to MVRPC for funding consideration in the SFY 2015-2018 Transportation Improvement Program (TIP):

1. N. Fairfield Road Resurfacing
2. Factory Road Widening
3. Grange Hall Road Widening
4. Indian Ripple Road Resurfacing
5. Kemp Road Widening
6. Col. Glenn Streetscape Phase II

SECTION II.

The City Manager is hereby authorized to sign on behalf of the City the application for funds as referred to in Section I of this Resolution.

SECTION III.

The City Manager is hereby directed and authorized to take or cause to be taken all other action necessary and proper to secure the funding sought by the application referred to herein, and provide any additional information sought by reviewing agencies during the time the application is under reviewed. The City Manager is further directed and authorized to cause compliance will all reporting requirements required by the Miami Valley Regional Planning Commission (MVRPC) as required as part of the funding process

SECTION IV.

Upon application approval, the City hereby states its commitment to the local contribution for the project as identified in these applications, including local contribution of costs exceeding the current estimates or subsequent revised estimates as accepted by the MVRPC.

SECTION V.

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 VI.

This Resolution shall become effective immediately upon its passage.

THIS RESOLUTION IS ADOPTED BY THE Council of the City of Beavercreek,
Ohio this 10th day of October, 2016.

Bob Stone, Mayor

ATTEST:

Dianne Lampton, Clerk of Council

2016 MVRPC MAP-21 PROJECT LOCATIONS



1. N. FAIRFIELD RD RESURFACING
2. FACTORY RD WIDENING
3. GRANGE HALL RD WIDENING
4. INDIAN RIPPLE RD RESURFACING
5. KEMP RD WIDENING
6. COL. GLENN STREETScape

LEGEND

— Project Location



SCALE



CITY OF BEAVERCREEK
 CITY COUNCIL
 AGENDA ITEM REPORT

MK 10/16

Meeting Date: October 10, 2016 Agenda Reference No: VIII. A.	Reference Topic: Request for New Liquor Permit 81 Magnolia Ln. LLC DBA La Cantina
Motion to Accept without Comment	

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

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

BACKGROUND AND STAFF SUMMARY:

Ohio Division of Liquor Control sent police notification reference a new D1, D2, D3 liquor permit for 81 Magnolia Ln. LLC, DBA La Cantina Ln. 81 Magnolia Ln. Beavercreek, Ohio 45440 Greene Blvd; Beavercreek, Ohio 45440. The records checks required by the Ohio Department of Commerce - Division of Liquor Control were conducted on the business officers/shareholders for this application request.

STAFF RECOMMENDATION:

Staff is recommending this application request move forward with no comment.

**NOTICE TO LEGISLATIVE
AUTHORITY**

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

TO

2455997		NEW		81 MAGNOLIA LN INC	
PERMIT NUMBER		TYPE		DBA LA CANTINA	
ISSUE DATE				81 MAGNOLIA LN	
09 28 2016				BEAVERCREEK OH 45440	
FILING DATE					
D1 D2 D3		PERMIT CLASSES			
29 005 A		B37718			
TAX DISTRICT		RECEIPT NO.			

FROM 09/30/2016

PERMIT NUMBER		TYPE			
ISSUE DATE					
FILING DATE					
PERMIT CLASSES					
TAX DISTRICT		RECEIPT NO.			



MAILED 09/30/2016

RESPONSES MUST BE POSTMARKED NO LATER THAN.

10/31/2016

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES **A NEW 2455997**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING.

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

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

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

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



LIQUOR CONTROL

SPIRITS

LICENSING

RESOURCES

CONTACT US

Manufacturer

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

Distributor

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

Retail Store Carryout

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

Restaurant / Night Club

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

CITY OF BEAVERCREEK
 CITY COUNCIL
 AGENDA ITEM REPORT

MAC 10616

Meeting Date: October 10, 2016 Agenda Reference No: VIII. B.	Reference Topic: Change of Corporate Stock Ownership Lakes Venture LLC DBA Fresh Thyme Farmers Market
Motion to Accept without Comment	

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

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

BACKGROUND AND STAFF SUMMARY:

Ohio Department of Commerce, Division of Liquor Control sent notification of a request regarding a change of corporate stock on a C1, C2, D6 ,D8 liquor permit for Lakes Venture LLC DBA Fresh Thyme Farmers Market., 2850 Centre Dr. STE E Beaver creek, OH 45324. The record checks required by the Ohio Department of Commerce – Division of Liquor Control were conducted on the applicant/shareholders for this application request.

STAFF RECOMMENDATION:

Staff is recommending this application request to move forward with no comment.

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6608 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

49794490075 <small>PERMIT NUMBER</small>		STCK <small>TYPE</small>	LAKES VENTURE LLC DBA FRESH THYME FARMERS MARKET 2850 CENTRE DR STE E BEAVERCREEK OH 45324
05 17 2016 <small>ISSUE DATE</small>			
C1 C2 D6 D8 <small>PERMIT CLASSES</small>			
29 <small>TAX DISTRICT</small>	005 <small>PERMIT CLASS</small>	A	F17153 <small>RECEIPT NO.</small>

FROM 09/28/2016

PERMIT NUMBER		TYPE	
ISSUE DATE			
FILING DATE			
PERMIT CLASSES			
TAX DISTRICT		RECEIPT NO.	



MAILED 09/28/2016

RESPONSES MUST BE POSTMARKED NO LATER THAN 10/31/2016

IMPORTANT NOTICE

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

A STCK 4979449-0075

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

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

WE DO NOT REQUEST A HEARING.

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

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

(Signature)

(Title) Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

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



LIQUOR CONTROL

SPIRITS

LICENSING

RESOURCES

CONTACT US

Manufacturer

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

Distributor

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

Retail Store Carryout

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

Restaurant / Night Club

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

D5I	\$2,344	ORC 4303.181 (Same as D5). Restaurant meeting certain criteria.
D7	\$469	ORC 4303.183 (Same as D5). RESORT area only.

>Club

Permit Class	Permit Fee	Description
D4	\$469	ORC 4303.17 Beer and any intoxicating liquor to members only, for on premises consumption only until 1:00am.
D4A	\$750	ORC 4303.171 Airline club only - Beer and any intoxicating to members and guests until 2:00am.
D5C	\$1,563	ORC 4303.181 (Same as D5.) (This class can no longer be applied for.)
D5D	\$2,344	ORC 4303.181 (Same as D5) located at airport.

Hotel And Motel

Permit Class	Permit Fee	Description
D5A	\$2,344	ORC 4303.181 (Same as D5) for hotel or motel with 50 or more rooms for transient guests.

Enclosed Shopping Mall

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

River Boats

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

Marinas

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

Museums

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

Community Entertainment District/Revitalization

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

Sunday Sales

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

Other

Permit Class	Permit Fee	Description
D5K	\$1,875	ORC 4303.181 (Same as D5 - except sales till one am). Certain non profit organizations that own and operate a botanical garden.
D5M	\$2,344	ORC 4303.181 (Same as D5). Restaurant affiliated with center for the preservation of wild animals.
D5N	\$20,000.00	ORC 4303.181(N) (Same as D5). Casino Operator or Casino Management Company.
D5O	\$2344.00	ORC 4303.181(O) (Same as D5). Restaurant located in a casino.
E	\$500	ORC 4303.19 Railroad car or airline to sell beer or any intoxicating liquor at retail in glass or from container for consumption in such car or aircraft.
G	\$100	ORC 4303.21 Retail drug store (alcohol for medicinal, industrial, mechanical, chemical, or scientific purposes).



**AGENDA
CITY COUNCIL
Work Session – October 17, 2016, 5:00 p.m.
Council Chambers**

*1368 Research Park Dr
Beavercreek, Ohio*

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. DISCUSSION ITEMS
 - A. Keary McCarthy, Ohio Mayors Alliance
 - B. Financing – Mall at Fairfield Commons
 - C. Medical Marijuana
- V. COUNCIL COMMITTEE/EVENT UPDATES
- VI. ADJOURNMENT

DRAFT

CITY COUNCIL
Regular Meeting – October 24, 2016 6:00 p.m.
Council Chambers

PROCLAMTIONS

- ◆ Retirement of DJ, K-9 Unit Beavercreek Police Department

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND PRAYER/MOMENT OF SILENCE – Council Member Wallace
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
- VI. PRESCHEDULED PRESENTERS
 - A. Issue 22 - Jeff Brock, Greene Memorial Hospital
- VII. PUBLIC HEARING PUD 91-2 MOD 9/16 BSM Development
 - A. Application Presentation
 - B. Staff Presentation
 - C. Public Input
 - D. Council Input
 - E. Motion
- VIII. ORDINANCES, RESOLUTIONS AND PUDS
 - A. Ordinance 16-25 Adopting New Section 76.17 "Parking of Large and Oversize Vehicles on Streets (First Reading)
 - B. Ordinance 16-26 Repealing Current Section 76.99 "Penalty" and Adopting New Section 76.99 "Penalty" (First Reading)
 - C. Ordinance 16-27 Additional Appropriations (Single Reading)
- IX. CITY MANAGER'S REPORT
- X. MAYOR'S REPORT
- XI. COUNCIL TIME
- XII. CITIZEN COMMENTS
- XIII. ADJOURNMENT

PLANNING DEPARTMENT STATUS REPORT

October 6, 2016

CITY COUNCIL

October 10, 2016

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

October 24, 2016

- PUD 91-2 MOD 9/16, BSM Development, public hearing
-

November 14, 2016

-
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Tabled / Delayed / Pending

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PLANNING COMMISSION

November 2, 2016

- PUD 06-3 Amendment 9/16, First & Main, public hearing (tabled Oct. 5)
-

Currently Tabled / Delayed

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Commercial Permits Submitted and Under Review

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BOARD OF ZONING APPEALS

October 12, 2016

- V-16-4, 4073 Dayton-Xenia Road
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Currently Tabled or Delayed

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