

BEAVERCREEK CITY COUNCIL
REGULAR MEETING May 23, 2016 6:00 p.m.

PROCLAMATIONS

- ◆ Creek Classic, John Ankeney

CITIZEN OF MERIT AWARDS

- ◆ 2016 Graduating Beaver creek Youth Council Members

CALL TO ORDER

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

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

ABSENT: None

ALSO IN ATTENDANCE: Randy Burkett, City Planner; Michael Cornell, City Manager; Kim Farrell, Recreation Supervisor; Matt Funk, Code Enforcement Officer; Bill Kucera, Financial Administrative Services Director; Dianne Lampton, Clerk of Council; Jeff McGrath, Planning & Zoning Director; Steve McHugh, Legal Counsel; Jeff Moorman, City Engineer; Mike Thonnerieux, Public Administrative Services Director

PLEDGE

Council Member Jarvis led the pledge and a prayer.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Vice Mayor Vann MOVED to approve the minutes of the May 9, 2016 Regular Meeting, seconded by Council Member Upton. Motion PASSED by majority voice vote. (Stone abstained)

PUBLIC HEARING – MX-PUD 93-4 SSP \$6, Ashton Brooke Phase Five

Clerk Lampton read an application filed by Randall Woodings, 400 South Fifth Street, Suite 400, Columbus, OH 43215. The application requests specific site plan approval for the construction of two, 2-story apartment buildings totaling 32 units to be constructed on 3.332 acres. The property is located on the northwest

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corner of Ashton Brook Drive and Lillian Lane further described as Book 4, Page 2, Parcel 24 on the Greene County Property Tax Atlas.

Applicant Presentation

Randall Woodings, Kontoginnis Architect, 400 S. Fifth Street, Suite 400, Columbus, Ohio 45315

Mr. Woodings said they started developing this project in 1998 and have gone through four phases. He said in 2008 they had this property rezoned to hospitality to accommodate 114 units with 120 parking spaces. He said the developer decided not to develop this so Kontoginnis Architect decided to rezone it to place two 32 one bedroom unit buildings with 71 parking spaces. He said they have reduced the intensity of the use and were available to answer any questions.

Staff Presentation

Mr. Burkett summarized the staff report dated May 19, 2016 which states the applicant is requesting specific site plan approval to construct 32 new apartment units contained in two buildings on 3.33 acres. He reviewed the site plan including the access points, parking, ADA requirements and sidewalks. He said an additional condition was added to provide a connection between the sidewalk at the southwest corner of the building and the sidewalk along Ashton Brooke Drive so people do not have to go through the parking lot to get to the sidewalk along Ashton Brook Drive. He reviewed the buildings design and along with the landscape and lighting plans. He said there were eighteen conditions in the motion for Council's consideration and staff and Planning Commission recommends approval of this application.

Public Input

There being no public input, the public hearing was closed.

Council Input

Council Member Whilding questioned if the remaining property would be able to be developed in the future. Mr. Burkett explained there was a very steep hill and the size of the property would make it impractical to put another building in this location. He said this would be the last phase.

Council Member Jarvis asked when the starting date would be. Mr. Woodings replied it would be sometime this summer.

Council Member Wallace thanked the developer for the additional handicapped parking spot. She questioned the drainage for the lot. Mr. Burkett explained the

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builder would tap into the drainage ponds used for the first four phases under the surface.

Vice Mayor Vann questioned the location of the handicapped parking spaces being located at one building and if the units were accessible for those with limited mobility. Mr. Woodings explained they were all garden apartments and meet all the fair housing and ADA standards they have to meet. He said the first floor units are completely accessible. Mr. Woodings said the handicapped spaces had been moved to each building and the drawings Council had were not the updated version. He said Planning Commission had made the suggestion to move the handicapped spaces.

Motion

Council Member Litteral MOVED, for the purpose of taking administrative action, approval of a PUD Specific Site Plan for Ashton Brooke Phase 5, SSP#6, on the basis that City Council finds the facts submitted with the application and accompanying materials, and modifications, amendments and supplementary conditions satisfy the standards and criteria for a PUD Specific Site Plan approval as per §158.066 of the Zoning Code. Supplementary conditions required of this approval shall be as follows. I further move that this motion with all conditions be fully recorded in the minutes of this Council meeting.”

1. The approved site plan, architectural elevations and landscape plan shall be those plans dated “Received April 27, 2016” except as modified herein.
2. A PUD Agreement must be signed by the owner and a bond or letter of credit for landscaping must be submitted prior to issuance of a zoning permit for any portion of the project for the purpose, but not for the sole purpose, of insuring the installation of landscaping. Said bond or letter of credit must meet the requirements of the City’s landscaping and screening regulations.
3. A detailed landscape plan shall be reviewed and approved by the Planning Department prior to the execution of the required PUD Agreement and release of any zoning permits for Ashton Brooke Phase 5.
4. Perpetual maintenance of landscaping shall be provided and any dead or diseased materials shall be removed and replaced with similar types, species and sizes as originally planted within three months weather permitting.
5. Debris and trash shall be routinely collected by the owner from the parking

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lot and grounds of all areas of the project including the storm drainage facilities. The City reserves the right to require more frequent collection as necessary.

6. Prior to the issuance of any zoning permits, final cut sheet details and photometric plans for lighting of the site shall be reviewed and approved by the Planning Department.
7. The building exterior of any of the structures shall not be painted or altered in any way that varies from the approved elevations unless otherwise approved by the Planning Department or, if required, by the City Council and/or Planning Commission.
8. No temporary signs of any kind are permitted unless otherwise approved by the Planning Department and/or Planning Commission.
9. Material and color samples shall be submitted to the Planning Department for review and approval prior to the issuance of any zoning permits.
10. Final drainage calculations shall be approved by the City Engineer prior to the release of any zoning permits.
11. All concerns of the City Engineer, Fire Department, Sanitary Engineer and the Planning Department shall be addressed and met prior to the release of any zoning permits.
12. The construction hours shall be limited to 7:00 am to 7:00 pm, Monday thru Saturday.
13. Stop bars and/or stop signs shall be installed and maintained, by the property owner, throughout the parking lot in locations to be approved by the Planning and Engineering Departments.
14. Any portion of the site disturbed by grading and on which no construction occurs within three months after completion of the site grading shall be planted with appropriate ground cover and properly maintained.
15. Pad mounted mechanical and HVAC equipment must be screened with landscaping and/or masonry walls and shall not be visible to the public.
16. All trash collection containers shall be enclosed within the building or screened from view and enclosed within a permanent gated dumpster

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enclosure. Any dumpster enclosure shall be constructed with brick to match the building.

17. Prior to the release of any zoning permits, park fees shall be paid in-lieu of dedication of parkland.

18. There shall be a sidewalk connection between the sidewalk northeast of Building 2A and the sidewalk along Ashton Brook Drive.

Seconded by Council Member Wallace. Motion PASSED by majority voice vote.

ORDINANCES, RESOLUTIONS AND PUDS

Ordinance 16-09 Registration of Abandoned Foreclosures and Vacant Properties (First Reading)

Clerk Lampton read an Ordinance adopting new Charter 98 "Registration of Abandoned Foreclosures and Vacant Properties" of the City of Beavercreek Code of Ordinances.

Mr. Funk explained this was a registry for foreclosures that are abandoned or vacant properties that are not in compliance. He said this would provide a mechanism to deal with vacant properties that are either in foreclosure or not being maintained by the property owners. He said this would allow to be proactive by having contact information for the individuals responsible for those properties if an issue were to arise. He said it would reduce the blighting influence these properties have within neighborhoods and also reduce the number of complaints from residents concerning these properties. He explained abandoned foreclosure properties would stay on the registry until legally occupied, the foreclosure action is dismissed or the property is purchased and the deed transferred. He said vacant properties not in foreclosure but out of compliance would stay on the registry until legally occupied and maintained or in compliance for two years or the property is purchased and the deed transferred.

Council Member Upton said Council has had a lot of discussion about this at a prior work session and thought this a good idea to be proactive and try to keep the neighborhoods looking as good as they can. He asked if there were any examples of neighboring communities that have implemented something similar and successfully. Mr. Funk replied that he had looked to Bellbrook, Xenia and Fairborn who have similar vacant property registries but there were fifty to eighty communities within Ohio who have adopted property maintenance registries. He said it is a trend nationwide. Council Member Upton asked if this would help with time management. Mr. Funk said by requiring the registration it would help him

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throughout the year as properties are going into foreclosure. He said it would speed up the process.

Council Member Wallace said this will help the neighborhoods and the properties.

Council Member Jarvis asked if properties which have had a fire would be required to register. Mr. Funk said it depended on the situation if would be out of compliance. Mr. McHugh said there is a separate statute to address these situations.

Council Member Whilding was concerned if the city would be buying a new tool or software to track this information. Mr. Funk said they would use the software Zone Pro which is currently used to track zoning and property maintenance records. He said there is a piece within this software that can be utilized to implement the registry. He said it would not cost the city any more money. Council Member Whilding said this was his only concern.

Vice Mayor Vann questioned the process of notification of a foreclosure. Mr. Funk explained he currently receives a list of foreclosures on a monthly basis from the county. He said he already has property maintenance companies calling him regarding the registration.

Mayor Stone said it would be nice to have an update in the future of how the process is working and worth continuing.

Council Member Wallace MOVED to approve Ordinance 16-09 and move to the second and third readings, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote. (Against – Whilding)

Ordinance 16-11 Charter Amendments – Direct Election of Mayor (First Reading)

Clerk Lampton read an Ordinance providing for the submission to the electorate amendments of the Charter of the City of Beavercreek, Ohio, and to place the same on the ballot at the general election, November 8, 2016.

Council Member Upton said there have been discussions at the last few work sessions regarding this topic. He said this would impact sections 4.01 through 4.07 of the Charter which would create for a directly elected mayor position and six council members at large. He said if Council passes the legislation it would go before the voters in November 2016 and be effective November 2019. He explained in November 2019 three council member positions would be open plus

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the separate direct election of the mayor. He said the November 2017 election would be under the current rules. He said the office of Vice Mayor would be the person who received the most votes in the most recent off year election. He said term limits would not change and would remain as two terms for a total of eight years. Mr. McHugh clarified it was two – four year terms in any combination thereof.

Council Member Wallace said she was not a big component of this but felt Council Member Upton has done a fantastic job working through a lot of issues Council had at the work sessions. She said he has compromised to hopefully make most of Council happy. She felt it was her duty to support it to allow the citizens to vote and allow them to make the decision.

Council Member Upton said if this should pass through Council it would still need to go before the voters in November for approval because it would be a change to the city charter. He said the last two charter commissions have recommended a direct election of mayor in some fashion.

Council Member Litteral said it is important that this be brought to the voters to address.

Council Member Whilding said he was not a big component but looks forward to more discussion.

Council Member Jarvis said if it passes by voters it would become effective in 2019. He reviewed the details of the term limits and its effects of the current council. He said no one of this current Council will be able to serve a full two terms based on the look back once this would go into effect. He said the City of Kettering went through this in 2012 but put a clause in for the current Council that the lookback provision would not apply to them. He wished this would be a consideration for this legislation.

Vice Mayor Vann said it was time for the citizens of Beavercreek to be able to pick their leadership. She said term limits is not her favorite thing because you lose your leadership skills but term limits can be addressed in the future.

Council Member Jarvis asked if a council member could run from a safe seat. Mr. McHugh said yes. Council Member Upton said if someone did do that and succeed they could only serve a total of six years because they can only be elected to two consecutive terms.

Mayor allowed for public input.

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Harold Lewis, 1423 Townhall Rd. Beaver creek, Ohio

Mr. Lewis stated he has sat on two Charter Review Commissions prior to the last commission. He said they brought up this topic with one exception. He said using Council Member Upton's example of a council member running for mayor from his current seat and succeeding, the vacancy to fill the open seat, as currently stated would be appointed by council. He suggested to go back to the election results and the person with the highest votes not elected fill the vacancy. He said he didn't want to stack the deck with council favorites. He said he would like to see this in this legislation.

Public Input was closed.

Mayor Stone said this would be a totally different section of the Charter and would have to be addressed at a different time in a separate ordinance.

Council Member Upton said he has been trying to keep the conversation about a directed election of mayor and not about anything else at this time.

Council Member Upton MOVED to approve Ordinance 16-11 and move to the second and third readings, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

Resolution 16-12 Authorize Agreement for Executive Search Firm

Clerk Lampton read a Resolution authorizing the City Manager of Beaver creek, Ohio to execute an agreement with an executive search firm.

Council Member Wallace explained the City Manager is retiring at the end of this year. Council had appointed Council Members Upton, Whilding and Wallace as a committee along with Jill Bissinger, Human Resources Director to review nine national search teams. She said they decided Strategic Government Resources (SGR) best fit the needs to work with the city in the search of a City Manager.

Council Member Upton thought SGR would be a great partner for the city.

Council Member Litteral said this is a significant change and an important move.

Mayor Stone thanked the committee and looked forward to the next step in the process.

Council Member Wallace MOVED to approve Resolution 16-12, seconded by Council Member Jarvis. Motion PASSED by majority voice vote.

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DECISION ITEMS

Acceptance of 1st Quarter 2016 Financial Summary

Council Member Upton MOVED to accept the 1st Quarter 2016 Financial Summary, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

Acceptance of the Lofino Center Expansion

Ms. Farrell reviewed the process for the expansion. She said there was a needs assessment completed in 2015 which resulted in three facility goals including the expansion of the existing senior center, provisions for a multi-purpose room for recreation programs and meeting space for the community and relocation of the parks offices. She said they have been working with Levin Porter, Architects, to design and incorporate the needs for the community. She said the design was brought to council. As a result, a sub-committee of seven including a representative from Council, the Park Board, Senior Advisory Board, Beaver Creek Enrichment Association (BEA), the Youth Development Council and staff was organized to review five topics. Those topics included the relocation of the park offices, the movable wall in the multi-purpose space, a walking track, location of the entrance to the new space and the awning extension to the senior center entrance. She said as a result the park offices will stay where they currently are located at the municipal maintenance facility, the movable wall will be an add alternate, the walking track will be more of a walking surface, the entrance to the new space was left up to the architect, the awning was, at that time, an add alternate. She reviewed the recommendations from each of the members of the committee. She said they have met most of the recommendations with the design.

Matt Franklin, Levin Porter Architects

Mr. Franklin reviewed the latest design along with the exterior design and materials. He reviewed the floor for the fitness room and walking track.

Mayor Stone opened the discussion for public input.

Roberta Shiverdecker, 3323 Sunnyside Drive, Beaver Creek, Ohio

Ms. Shiverdecker said she was not sure what the final drawing was. Mr. Porter put it up on the screen. Ms. Shiverdecker said the Senior Advisory Board, the BEA and members of the Senior community had asked for the senior offices be kept together and had asked that the entrance into the expansion be through the coat closet so they could make a right turn and go straight into the fitness room. Mayor Stone said this was discussed by the architect and there were pitfalls

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trying to do that. Ms. Shiverdecker said they were delighted to have the library where it is in the design. She said she knew it would be a little bit of a change but it was important for the seniors and their social aspects to have the library open and right where it is. She thanked Council for that. She said they were looking forward to moving on.

Council Member Litteral thanked everyone for working on this project.

Council Member Upton appreciated everyone for getting them to where they were at.

Council Member Wallace thanked everyone for all the hard work. She said not everyone is getting what they want but this is a great compromise.

Vice Mayor Vann reminded staff that when an applicant comes forward they bring landscape plans, electric plans, etc. She said the first time she's seen all these drawings was tonight. She said they have been available but we have never gotten a packet like we got for the apartment complex. She said she would have liked to have had the same kind of packet for a property that the city is going to own and our citizens are going to ask us to justify how we are spending their money. She said she has always been a strong advocate for having a quality senior center in Beaver Creek. She said she always wants the best. She said she was really glad to hear about the new windows and asked for information about the furnace and air conditioner.

Mr. Porter said they had not developed the design to that point yet. He said the goal is to provide an energy efficient system. He said until they have the floor plan squared away and approved they had not gone to that point yet.

Vice Mayor Vann said it was important to her that it was energy efficient for the city. She said her other concern was storage. She said each one of the community groups is going to benefit from not having that wall of exercise balls out. She said it would be a good space but it would be nice to have a little cupboard to keep things in. She said she wondered if there could be a counter with storage below. She was worried about storage for things that would be needed in that room. Mr. Porter said those were all details that could be worked through with the design. She said she could approve this design but she would like to see the additional details. Mr. Cornell said the final solution would come forward at a work session. Vice Mayor Vann said the client that is going to be walking around the walking track is going to somebody that has mobility issues and the chances of them wanting to walk in a fitness room are slim. She would guess they would be likely to go down to the vacant multi-purpose room and walk

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around the larger edge if there was safe. She said the people who have trouble walking are going to be embarrassed or not feel good about themselves if they are in the same room as people that are on the elliptical or tread mill. She said to provide seniors with mobility issues with a place to do their physical therapy and mobility exercises is really a value. She questions if the fitness room is the best choice for those clients. She is pleased the city is doing something for the seniors of Beaver creek.

Mayor Stone said he is pleased they are doing something for everybody in Beaver creek as some of the space will be used by someone other than seniors. He said that was a positive thing they were trying to accomplish. He questioned the height of the canopy to allow for an extension later so one of the buses could drive under it. Mr. Porter said it was not high enough to drive under. Mayor Stone suggested to look at moving the senior offices together which may create some storage space.

Vice Mayor Vann questioned a wall and why it looked different than the others on the drawing. Mr. Porter explained it was different because it was an existing wall which they were trying to use a many of those as possible.

Mayor Stone asked staff to think about the sign on the building. He asked for an update at the next couple of work session on the progress

Council Member Upton MOVED to accept the Lofino Center Expansion Design number twelve, seconded by Council Member Whilding. Motion PASSED by majority voice vote

CITY MANAGER'S REPORT

Mr. Cornell said the Memorial Day Ceremony will be next Monday, May 30th at 2:00 p.m. at the Veterans Memorial Park. He said Rotary Park is being improved to adjust the terrain to assist with the water issues. City offices will be closed Monday, May 30th in observance of Memorial Day.

MAYOR'S REPORT

No report.

COUNCIL TIME

Council Member Litteral asked to please donate to Feed the Creek for the over 300 students who are in need of food in the Beaver creek. She said people have been receiving IRS calls which is a scam. The IRS will contact you via certified mail. Please do not give anyone your personal information or money.

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Council Member Upton thanked everyone for their hard work for the fishing derby last weekend.

Council Member Wallace said My Veteran will be in the Apollo Room in the Student Union at Wright State University on Wednesday from 3:00 p.m. to 6:00 p.m. with information on housing, education and financing.

Council Member Whilding said the fishing derby had a good crowd and thanked staff for a great event.

Council Member Jarvis said according to the census bureau Beavercreek has grown to an estimate of 46,277 which is a 2.3% growth since 2010. He congratulated the boy's high school volleyball team which is going to the quarter finals on Saturday. He said this Thursday will be the one year anniversary of the tornado that hit by the Greene. The Summer Concert series will begin on Jun 5th at Lofino Park with Rock It 88, June 12th will feature the Changeling. All concerts start at 7:00 p.m.

Vice Mayor Vann invited everyone to the Veteran's Memorial Ceremony at 2:00 p.m. Monday afternoon.

CITIZEN COMMENTS

There being no citizen comments, citizen comments was closed.

EXECUTIVE SESSION

Council Member Jarvis MOVED to enter into Executive Session at 7:53 p.m. pursuant to Section 121.22 of the Ohio Revised Code, for the purpose of consideration of conference with city attorney concerning disputes involving the City that are subject to pending or imminent court action, seconded by Council Member Upton . Motion PASSED by a roll call vote of 7-0.

Council Member Whilding MOVED to adjourn executive session at 8:18 p.m., seconded by Council Member Wallace . Motion was PASSED by roll call vote of 7-0.

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

ADJOURNMENT

Council Member Whilding MOVED to adjourn the meeting at 8:19 p.m., seconded by Council Member Litteral. Motion PASSED by majority voice vote.

BEAVERCREEK CITY COUNCIL

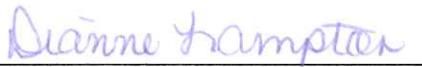
REGULAR

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A handwritten signature in black ink, appearing to read 'Bob Stone', written over a horizontal line.

Bob Stone, Mayor

ATTEST:

A handwritten signature in purple ink, appearing to read 'Dianne Lampton', written over a horizontal line.

Dianne Lampton
Clerk of Council
Cmin052316