

BEAVERCREEK CITY COUNCIL  
REGULAR MEETING July 11, 2016 6:00 p.m.

**RECOGNITION**

- ◆ Miss Beavercreek Angelica Heggem
- ◆ Miss Jr. Beavercreek Ally Miller

**CALL TO ORDER**

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

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

ABSENT: Council Member Jarvis

Council Member Litteral MOVED to excuse Council Member Jarvis, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

ALSO IN ATTENDANCE: Michael Cornell, City Manager; Dennis Evers, Chief of Police; Kim Farrell, Recreation Supervisor; 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 Wallace led the pledge and a prayer.

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

Council Member Litteral MOVED to approve the minutes of the June 20, 2016 Work Session, seconded by Council Member Wallace. Motion PASSED by majority voice vote.

Council Member Wallace MOVED to approve the minutes of the June 27, 2016 Regular Meeting, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

**PUBLIC HEARING – PUD 15-3 SSP#2, Beavercreek Retail**

Clerk Lampton read an application filed by Domenico Stolfo, 3500 Pentagon

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Blvd., Beavercreek, OH 45431. The application requests specific site plan approval for 1.0532 acres of land to allow for the construction of a 7,440 square foot retail building located on the southwest corner of North Fairfield Road and Dayton-Xenia Road. The property is further described as Book 5, Page 5, Parcel 89 on the Greene County Property Tax Atlas.

Council Member Upton recused himself from the public hearing.

#### Applicant Presentation

Jerad Barnett, 3500 Pentagon Blvd., Suite 500, Beavercreek, Ohio  
Mr. Barnett with Mills Development felt this was an important part of the City and looked at the pedestrian amenities, walkability and outdoor eating areas to tie in with the clock.

#### Staff Presentation

Mr. McGrath summarized the staff report dated June 23, 2016, which stated the applicant is proposing to construct a 7,440 foot multi-tenant retail building on 1.05 acres. He discussed the location of the property, the access points, the traffic flow around the site, the parking requirements, the architectural elevations, the lighting plan, the landscaping plan, and the signage requirements. Staff recommended approval of the case with 20 conditions.

#### Public Input

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

#### Council Input

Council Member Whilding thanked the applicant for working with AAA and liked the right in, right out.

Council Member Litteral like the rendering but questioned the entrance, curb cuts and egress with regards to the width. Mr. McGrath said they will have 36 feet with a left and right turn out lanes.

Council Member Wallace was excited the building will look different. She was concerned with semi-trucks delivering product in the parking lot. Mr. McGrath believed the deliveries would be occurring in the evening. Council Member Wallace requested a fifth handicapped parking space. There was discussion of the dumpster location.

Vice Mayor Vann questioned if this was a one-story building and would be built on a slab. Mr. McGrath replied yes. Vice Mayor Vann questioned the water fall off. Mr. McGrath explained the retaining wall directs the water to a retaining

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pond that is shared with AAA. Vice Mayor Vann hoped for the clock tower to be enhanced as much as possible. Mr. McGrath said it was the applicant's goal to enhance the corner and make it more of a community corner.

Mayor Stone said this will be a nice addition to the corner and wants the corner as decorative as possible.

#### Motion

Council Member Wallace MOVED, for the purpose of taking administrative action, approval of a Specific Site Plan for Beaver Creek Retail, PUD 15-3, SSP #2, 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. I also request condition 21 to add an additional handicap parking space on the site."

Mayor Stone said this is a very small development with limited parking. He said as a city they need to create a standard for what we are going to expect for handicapped parking versus coming up on a plan and making the change. He said we have a national standard and we have a standard that we have adopted but it seems like we want to add. He said most times it's not a big deal but in this case it's taking up most of all the front parking spaces. There was discussion of the location of the parking spaces and Council Member Wallace explained that she consistently pushes for additional parking spaces beyond the requirements because Beaver Creek is a senior aging community. Mayor Stone explained there a lot of people who have arthritis that do not have handicapped stickers and do not like to walk far.

1. The approved site plan shall be the plans dated "Received May 25, 2016" except as modified herein.
2. The approved architectural elevations shall be the plans dated "Received May 26, 2016" except as modified herein.
3. A PUD Agreement must be signed by the owner and a bond or letter of credit for the site 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

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bond or letter of credit must meet the requirements of the City's landscaping and screening regulations.

4. The final landscape plan shall be reviewed and approved by the Planning Department prior to the release of a zoning permit for the building.
5. 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 installed, within three months weather permitting.
6. Any portion of the site disturbed by grading or by the removal of former structures and/or pervious surfaces 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. Such areas shall be shown as part of the final landscape plan.
7. Debris and trash shall be routinely collected by the owner from the parking 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.
8. All building mechanical equipment is to be screened from all directions with architectural features (roof forms or parapet walls) on each building. Metal screening will not be accepted. Pad mounted equipment must be screened with landscaping and/or masonry walls and shall not be visible to the public.
9. Gutters and downspouts shall not be visible on any elevation of the building. They shall be internally mounted.
10. Prior to the issuance of a zoning permit, final cut sheet details and photometric plans for lighting of the site shall be reviewed and approved by the Planning Department. Maximum mounting height for any parking fixture shall be 20 feet, and no pole shall be located in the paved area of the parking field. All light fixtures and related illumination of the site must meet the conditions outlined in the Zoning Code. Lights in the parking lot shall be reduced to no greater than 25 percent illumination level within one hour of closing.

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11. Final topography and grading plans shall be submitted for review and approval by the City Engineer prior to the issuance of a site-grading or zoning permit.
12. Final drainage calculations shall be approved by the City Engineer prior to the release of the record plan for recording.
13. Exterior construction hours for the site shall be limited to 7:00 AM to 7:00 PM, Monday thru Saturday.
14. All man-doors, service doors and loading dock doors shall be painted to match the color of the building as to blend in with the proposed façade.
15. Any split-face block, EIFS, or concrete masonry unit block will be of integral color and not a material that is painted on the outside only.
16. The ground sign, which shall include a minimum 1-foot tall, brick and/or stone base, shall be a maximum of 6 feet tall and have a maximum 32 square feet per sign face. The final design and location shall be subject to review and approval by the Planning Department prior to release of a permit for the sign. Any ground sign shall be set in a base that shall be constructed of the same material as used to construct the principal structure.
17. Wall signage shall comply with the Zoning Code for B-2 districts. The applicant shall be allowed to have two additional wall signs, one on each of the west and east elevations, the final location and size to be reviewed and approved by the Planning Department prior to the issuance of a sign permit.
18. All wall signs shall be individually mounted channel letters or panels. No raceways shall be permitted. The sizes of the signs shall be limited to the sizes shown on the approved architectural elevations. The final design and location shall be reviewed and approved by the Planning Department prior to the release of the sign permit.
19. All trash collection containers shall be screened from view and enclosed within a permanent dumpster enclosure or stored completely within the building. Any dumpster enclosure shall be constructed of the same materials as the primary building and have a closable, lockable gate. The final design of the dumpster enclosure shall be reviewed and approved

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by the Planning and Zoning Department prior to the issuance of any zoning permits.

20. Delivery hours for the site shall be limited to 7 am to 7 pm Monday thru Saturday.

21. The applicant shall work with staff to add an additional handicap parking space on the site.

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

**PUBLIC HEARING** – PUD 98-9 MOD 5/16, The Lux at Beavercreek  
Clerk Lampton read an application filed by Anthony Birkla, 881 3<sup>rd</sup> Avenue SW, Suite 100, Carmel, IN 46032. The applicant requests a major modification for 4.53369 acres of land to allow for the construction of one multi-family residential building consisting of approximately 100 apartments located on the northeast corner of the intersection of Hibiscus Way and Park Overlook Drive. The property is further described as Book 1, Page 10, Parcel 115 and 116 on the Greene County Property Tax Atlas.

Mr. McGrath explained the applicant requested to table the public hearing until the next Council Meeting.

Vice Mayor Vann MOVED to table PUD 98-9 MOD 5-16 to the July 25, 2016 Council Meeting, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

**PUBLIC HEARING** – 2017 Tax Budget

Clerk Lampton read this was a public hearing for the tax budget for the fiscal year beginning January 1, 2017 and ending December 31, 2017.

Staff Presentation

Mr. Kucera explained this is the official start to the 2017 budget. He explained the County Auditor has sent over the estimated revenues which need to be passed and returned by July 20<sup>th</sup> per the ORC. He said the Tax Budget shows the committee that the City is exceeding its resources and all the current taxes and levies are necessary to continue operation. Staff recommends approval of the Resolution.

Public Input

There was no input from the public, therefore public input was closed.

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#### Council Input

Council Member Wallace said it saddens her they have to really focus on the fund balance and keep it as a priority to keep the bond rating.

Council Member Upton said this is detailed information that he did not know if other municipalities go through and puts it out there for everyone to see. He said we are finalizing the 2017 budget.

Council Member Litteral said we are one of the few cities that have the budget ready by January 1<sup>st</sup>.

Mr. Kucera reminded everyone the Open Checkbook is online for anyone to view.

Council Member Whilding said the other thing that may impact the bond rating is the due to due from transfer from the general fund.

Vice Mayor Vann questioned if this information is provided to all the cities in Greene County. Mr. Kucera replied yes. Vice Mayor Vann said it was more detailed than it was four years ago. Mr. Kucera said they want it broken down into more categories. Vice Mayor Vann asked if the hotel motel tax was already earmarked. Mr. Kucera said \$240,000 is earmarked for Parks and Recreation. Vice Mayor Vann said we get a few local government funds from the state but not near what it used to be. Vice Mayor Vann reviewed the other taxes received.

#### Resolution 16-14

Vice Mayor Vann MOVED to approve Resolution 16-14, seconded by Council Member Whilding. Motion PASSED by a roll call vote of 6-0.

### **ORDINANCES, RESOLUTIONS AND PUDS**

#### **Ordinance 16-12** BAN for Not To Exceed \$1.5 million for Lofino Renovation (First Reading)

Clerk Lampton read an Ordinance providing for the issuance of not to exceed \$1,500,000 building improvement bond anticipation notes by the City of Beavercreek, Ohio in anticipation of the issuance of bonds.

Mr. Kucera explained this is the construction and financing phase of the Lofino Plaza renovations. He said in December 2015, the City contracted with Levin Porter Associates to provide the design and construction management of the renovations at the Lofino Plaza. He said the design is relatively complete and Levine Porter is going to develop the RFP (Request for Proposal) and will be

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issued in September. He said the RFP will be reviewed and awarded in October with construction beginning shortly thereafter. He said to finance the project the City will be issuing a Bond Anticipation Note (BAN) not to exceed \$1.5 million. He said the process is to issue a one year BAN which tells the investors that it is a one year maturity BAN that will be rolled into a longer term bond. He said the BAN will be sold in the middle of September in time for the award of the contract. He said once the construction is completed and all costs associated with the project are determined the City will issue a bond. He said it was anticipated to be a 20 year bond but with the rates as they are they will try to minimize the duration as much as they can.

Vice Mayor Vann was concerned they do not have the final plans of what is going to be done and they are approving the final budget. She questioned if they won't need more money for the project to meet the needs. She thought the steps were out of place.

Mayor Stone explained this is a three reading process and it takes a while. He said it may seem we are getting ahead of ourselves but hopefully it will catch up when we get to the third reading.

Council Member Litteral MOVED to approve Ordinance 16-12 and move to the second and third reading, seconded by Council Member Wallace. Motion PASSED by majority voice vote.

**Ordinance 16-14** Re-issue of \$325,000 for Traditions of Beaver Creek Assessment Project (First Reading)

Clerk Lampton read an Ordinance providing for the issuance of not to exceed \$325,000 road improvement special assessment bond anticipation notes (Traditions at Beaver Creek Project), first (2016) renewal by the City of Beaver Creek, Ohio in anticipation of the issuance of bonds.

Mr. Kucera said this is the construction and financing phase of the road improvement special assessment bond that is called Traditions at Beaver Creek. He said last year they issued a BAN to complete this project but there has been a lot of activity out there. He said there were a couple of projects that needed to be accomplished before this one was done. He said they decided to re-issue the BAN for one year to finalize the construction of this particular project. He said we issue this BAN to pay off the old BAN. He said this one will pay for the construction and issuance costs of the last BAN. He said this is an assessment BAN and no City funds will be spent on this project. He said once the project is completed they will take all the construction costs, the issuance of both BANS, the issuance of the bond and assess the property owners for it.

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Council Member Wallace MOVED to approve Ordinance 16-14 and move to the second and third readings, seconded by Council Member Upton. Motion PASSED by majority voice vote.

**Ordinance 16-15** Consolidation of Projects into on BAN (First Reading)

Clerk Lampton read an Ordinance authorizing the issuance of not to exceed \$1,825,000 of various purpose bond anticipation notes, by the City of Beaver Creek, Ohio, in anticipation of the issuance of bonds.

Mr. Kucera explained this was a cost savings measure. He said since the two BANs are occurring simultaneously they will put the two together making the dollar amount higher. He said this will reduce the issuance cost of both BANs and also reduce the interest rate.

Council Member Whilding MOVED to approve Ordinance 16-15 and move to the second and third readings, seconded by Council Member Upton. Motion PASSED by majority voice vote.

**Ordinance 16-16** Additional Appropriations (Single Reading)

Clerk Lampton read an Ordinance to approve supplemental appropriations and certify additional revenue for the fiscal year beginning January 1, 2016 and ending December 31, 2016 and to amend Ordinances 15-31, 16-03, 16-08 and 16-10.

Mr. Kucera reviewed the supplemental appropriations and additional revenues. Those items included replacement of a Police Ford utility interceptors, replacement of the truck mounted attenuator, golf course well tap and replacement of banquet chairs at the golf course. Total amount of revenue to certify was \$61,040 and to expense was \$75,299.

Council Member Litteral questioned if the equipment from the totaled police vehicle would be salvaged. Mr. Kucera said anything that is usable would be moved over to the new vehicle.

Vice Mayor Vann questioned if the chairs were the best product for the lowest prices or if it was the lowest price. Mr. Kucera said it was the lowest and best.

Council Member Upton asked where the rest of the water comes from for the golf course. Mr. Kucera said the main club house is tapped into the county. He said the maintenance facility is way down by Beaver Valley and isolated.

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Vice Mayor Vann MOVED to approve Ordinance 16-16, seconded by Council Member Litteral. Motion PASSED by a roll call vote of 6-0.

**Resolution 16-15** To Approve Submittal of Funding Application to Ohio Public Works Commission (OPWC)

Clerk Lampton read a Resolution authorizing the City Manager to execute and file with the District 11 Public Works Integrating Committee an application on behalf of the City of Beavercreek for aid in partly financing the cost of improvements to Shakertown Road pursuant to the programs administered by the Ohio Public Works Commission, as amended; to execute contract agreements with the State of Ohio authorizing the City Manager to perform all acts and execute all documents they consider necessary to fulfill the City of Beavercreek's obligations under said grant applications and corresponding agreements and to comply with all relevant local, state or federal legal requirements and to provide assurances and additional information as required by the Ohio Public Works Commission.

Mr. Moorman explained the Ohio Public Works Commission was accepting another round of grant applications for roadway projects. He said staff is recommending submitting a grant application to improve a section of Shakertown Road between Product Way and Willowrun Drive. He said along the south side of the road in this area is a drop-off. He said this project would correct the safety issue along with adding a third lane, curbing and sidewalk. He said Greene County has an interest in putting in a water main in this same area. He explained by combining the projects it benefits the county digging up a brand new road to put in a water main. He said the total cost of the project is \$1.6 million, \$400,000 is estimated for the water main and \$1.2 million for the roadway improvements. He said the county would be responsible for reimbursing the City for all costs associated with the water main. He said they were in the process of buying the property rights for the project and if the grant application is successful they could start the project as early as 2017.

Council Member Wallace thanked Mr. Moorman for working with the County and being efficient. She said they have numerous complaints related to the drop-off on Shakertown.

Council Member Wallace MOVED to approve Resolution 16-15 seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

**CITY MANAGER'S REPORT**

Mr. Cornell said there will be no July 18<sup>th</sup> Work Session. He said the Grange Hall at Shakertown Road closure would begin July 18<sup>th</sup> and remain closed until

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approximately August 3<sup>rd</sup>. The resurfacing program completed 13.3 centerline miles of paving and the costs are being reviewed to see if additional streets can be paved later this summer. The Grangeview Acres Park is being renovated by volunteers from the Hilton Garden Inn and community members and neighbors. The police department was out helping last weekend. If interested in helping out or have questions please contact the Parks Department at 427-5514. The Police Department will be hosting an Open House on Saturday, July 23<sup>rd</sup> from 11 a.m. to 2 p.m.

Chief Evers said it was a difficult week last week in the law enforcement community. He said there has been out an pour of support for law enforcement across the country. He said this community has always be supportive of our police department which started Friday morning with food, cards, notes, letters, phone calls and postings. He said it is very much appreciated. He said thank you to everyone in the community.

#### **MAYOR'S REPORT**

Mayor Stone said the people from the Hilton Garden Inn are enjoying the revitalization of the park and proud of their work. He said the 4<sup>th</sup> of July was challenging this year due to the weather. The Parks Department did a great job.

#### **COUNCIL TIME**

Council Member Litteral thanked the sponsors for the 4<sup>th</sup> of July and the volunteers.

Council Member Upton reviewed the employee anniversaries. Congratulations to everyone.

Council Member Wallace thanked the Hilton Garden Inn for helping out Beaver creek.

Vice Mayor Vann said the Soin Medical Center was chosen as one of the top 20 most beautiful hospitals in the United States.

#### **CITIZEN COMMENTS**

There being no comments, citizen comments was closed.

#### **EXECUTIVE SESSION**

Council Member Whilding MOVED to enter into Executive Session at 7:24 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

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City that are subject to pending or imminent court action and preparing for, conducting or reviewing negotiations or bargaining sessions with public employees, seconded by Council Member Upton . Motion PASSED by a roll call vote of 6-0.

Council Member Litteral MOVED to adjourn executive session at 8:00 p.m., seconded by Council Member Upton . Motion was PASSED by roll call vote of 6-0.

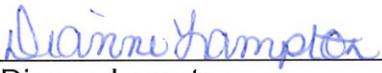
Vice Mayor Vann MOVED to reconvene the meeting, seconded by Council Member Upton . Motion PASSED by majority voice vote.

**ADJOURNMENT**

Council Member Whilding MOVED to adjourn the meeting at 8:01 p.m., seconded by Council Member Upton. Motion PASSED by majority voice vote.

  
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Bob Stone, Mayor

ATTEST:

  
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Dianne Lampton  
Clerk of Council  
Cmin071116