

BEAVERCREEK CITY COUNCIL
REGULAR MEETING September 12, 2016 6:00 p.m.

PROCLAMATIONS

- ◆ Chamber of Commerce Week, Ann Upthegrove-Vore

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, Vice Mayor Vann, Mayor Stone

ABSENT: Council Member Wallace

TARDY: None

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

ALSO IN ATTENDANCE: Randy Burkett, City Planner; Michael Cornell, City Manager; Dennis Evers, Chief of Police; Bill Kucera, Financial Administrative Services Director; Dianne Lampton, Clerk of Council; Jeff McGrath, Planning & Zoning Director; 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 Vice Mayor Vann. Motion PASSED by majority voice vote.

APPROVAL OF MINUTES

Council Member Upton MOVED to approve the minutes of the August 8, 2016 Regular Meeting, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

Council Member Litteral MOVED to approve the minutes of the August 15, 2016 Work Session, 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 August 22, 2016 Regular Meeting, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

PRE-SCHEDULED PRESENTER

Gail Simpson, Interfaith Hospitality Network

Ms. Simpson explained she was on the Board of Directors for the Interfaith Hospitality Network of Greene County. She said this is a homeless shelter located in Xenia that serves all of Greene County. She said there are homeless families among our citizens who are homeless for a variety of reasons; low paying part-time jobs with no benefits, unreliable transportation, child care issues or not understanding the social service agency system. She said in 2015 they housed over 140 people, 16 were under six years of age. She said they not only house families and provide meals and basic supplies but also offer dignity, respect, hope and a safe, secure and stable environment. She said they have classes in finance, child development and parenting, life skills, personal development, tutoring for children and adults and access to GED classes. She said they have case managers who help their guests walk through the social service system, fill out forms and applications for housing, health care, child care assistance, job hunting and skills and strategy. She explained they believe it is important that all city officials, council members and citizens are aware of the need and Interfaith Hospitality Network as a resource. She said they operate on donations and fund raisers only and are having a major fundraiser, the Empty Bowl, on October 7th. She invited everyone to attend the event. She handing the clerk ticket information for the event.

ORDINANCES, RESOLUTIONS AND PUDS

Ordinance 16-19 PUD 16-1 Cottages at Beavercreek (Third Reading)

Clerk Lampton read 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)

Mr. Cornell excused himself.

Vice Mayor Vann said she would like to review the traffic one more time. She wanted to be sure it had been looked at and if they allow the traffic to cross into the next neighborhood it is safe for the children at the bus stop and the street is wide enough to accommodate.

Mr. Burkett explained the case was going through a concurrent process where the specific site plan was heard at the Planning Commission meeting last week. He

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said among the conditions was a requirement for a street light at the intersection of Quill and Straight Arrow for the bus stop and for the developer pay for a left turn lane at the traffic light at Straight Arrow and County Line Road.

Mayor Stone asked to review the locations of the road connections. Mr. Burkett reviewed the results of the Planning Commission meeting. He said the fire department recommended and Planning Commission approved a 12 foot asphalt paved access drive with collapsible bollards or a gate which would be decided by the fire department at the construction stage. He said this access would inhibit vehicular access between the Cottages and Stonegate II but accessible to bikes and pedestrians.

Council Member Litteral verified there would not be a connector. Mr. Burkett stated Planning Commission recommended approval of not having a connector based on the input from the fire department.

Mayor Stone said there needed to be an amendment to condition 10b regarding the mound along the southern property line. Mr. Burkett explained the applicant provided the grading plan but based on the Cottages being higher than the adjacent development the mound cannot be four foot. He said to ensure the neighbors get the screening they are anticipating, they have added eight foot pine trees where needed.

Vice Mayor Vann MOVED to amend Condition 10b of Resolution 16-19 to read "Where there are no woods along the southern property line abutting the multi-family residential properties, construct a four-foot mound, compliments with dense evergreen trees. Areas where grading of adjacent properties prohibit a four foot mound or where the mound tapers down, shall be supplemented with eight-foot dense evergreen trees," seconded by Council Member Whilding. Motion PASSED by majority voice vote.

Council Member Upton MOVED to approve Ordinance 16-19 as amended, seconded by Council Member Jarvis. Motion PASSED by majority voice vote. (Against – Litteral)

Mr. Cornell returned to the meeting.

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

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,

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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)

Public Input

Charles Curran, 3929 Largo Lane, Beavercreek, Ohio

Mr. Curran respectfully requested Council delete amendment 9 which would cut a road through to connect to River Hills Road. He said the road in the old plat is in a deteriorated state and to have a connector for bike and pedestrian access only.

David Dunn, 993 Renown Road, Beavercreek, Ohio

Mr. Dunn said the road is really deteriorated and has flooding issues. With the combination of flooding and lack of street repair in the neighborhood there would not be any type of support for the type of traffic that is being proposed through that neighborhood. He said there had been discussion of the density along the Woodhaven side of the development and wanted to reiterate his concern of the density of the housing in that particular stretch. He did not have an opposition to the development but wanted to express his concerns.

Scott Perry, 3998 Willowcrest Road, Beavercreek, Ohio

Mr. Perry said water issues are a big thing and if the developer says he can solve the water issues better with a pedestrian type access into his neighborhood that was great. He said Saturday there was a foot and a half of water across the road on Willowcrest. He said if he was living in the new development he would come to Willowcrest to get further away from the hill just to get more clearance from traffic approaching from Shakertown heading north on Grange Hall. He said the condition of the road is deplorable and getting out of the development is difficult already.

Tom Clark, 3995 Willowcrest Road, Beavercreek, Ohio

Mr. Clark said his neighbor Joe Zink sent the neighbors a note stating if amendment 9 passes it would cause increased traffic through their neighborhood, make their streets less safe and decrease the developer's options in solving the Willowcrest drainage issues. He said he has lived there 27 years and had at least 27 floods and 27 or more promises that the problem would be addressed. He said he would like it to get to 28 and for it to work. He said as far as he knew it was illegal for him to navigate out of his driveway when there is high water. He said they legally can't get out of their driveway for work when the high water signs are up. He said he would prefer the bike access to go in and amendment 9 be removed.

Diane Collier, 1030 Woodhaven Place, Beavercreek, Ohio

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Ms. Collier voiced her concern regarding amendment 9. She explained she lives on a cul-de-sac which is off of Stanwick Drive and River Hills Road would be a cut through if connected. She asked Council to reconsider amendment 9.

Clerk Lampton stated, for the record, notices were received from Gary Johnson, Joe Zink and Timothy and Cheryl Maiden asking Council to remove amendment 9.

The public hearing was closed.

Council Member Upton said council received several emails and comments at the Popcorn Festival. He said if they can do without and only have an emergency connection then they should.

Mayor Stone asked Lt. Randy Grogean from the Beaver Creek Fire Department to give the report from the fire department regarding the access issue.

Lt. Randy Grogean gave a review of the study they had conducted last year regarding emergency access points. He said they identified 40 emergency access points within the City of Beaver Creek. He explained historically they were installed to provide two means of access to a development with the intention that if one access was obstructed the other would remain clear. He said often they were installed by developers that did not want to provide a second, full public access point. He said there are a number of potential reasons why primary access points would be obstructed like tornadoes, straight line winds, flooding, vehicle accidents or construction of underground utilities. He said obstructions are more likely caused by residents and their guests in developments who park along both sides of the street or even the fire department vehicles and equipment. He said unfortunately, over time the access routes were installed and maintained in vastly different standards ranging from well-kept and immediately accessible to unidentifiable or obstructed. He said of the 40 routes only 13 are identified and maintained in a manner that make them readily usable. Of the remaining 27, 10 are obstructed and the rest poorly maintained. He said if the routes are unmarked or obstructed the likelihood of their use during an emergency is greatly diminished. He said fire fighters are not going to take a risk to damage equipment for a questionable access route. He said the common issue for the fire department regarding emergency access is maintenance. He explained the fire department or township do not have ownership of or access to the property for regular maintenance such as tree trimming, snow removal and regular repairs. He said if a maintenance issue is identified, it is very difficult and time consuming for the fire department to contact the owner or manager of the property to remedy it. He said management entities, homeowner and condo associations often change

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contact information. He said to resolve the issue the fire department has taken a comprehensive approach to the existing emergency access routes. He said they are currently developing a plan to remedy the issue by contacting the individual owners, including the City of Beavercreek, to identify the fire department's requirements and expectations for those accesses. He said for new developments, the fire department is working with the Planning Department and Greene County Regional Planning to develop new specific standards that will eliminate the need for emergency accesses. He said they are investigating implementation of new Southwest Ohio Safety Council code language which includes two separate and approved fire apparatus roads when they get into multi-family developments that have more than 200 units and/or single family unit developments that exceed 30 units. He said for these developments, although not enforceable by the Ohio Fire Code, the fire department's first preference would be to have developers construct City of Beavercreek standard streets to make the connections between the developments. He said this would eliminate the unknown future maintenance of the street and allow unobstructed common accessibility into both developments. He said if City Council and the Planning Commission choose to decide for emergency accesses to be installed, the fire department would allow the emergency accesses with some specific provisions. He explained those provisions would include means to access the routes for regular maintenance similar to the access by developers to the city for retention basins and such. He said they are working on the details with the Planning Department.

Council Member Upton asked Lt. Grogean if he had looked at the plans for this case. Lt. Grogean replied yes. Council Member Upton asked if the proposed emergency access point met the standards the fire department is looking for. Lt. Grogean replied that it does and is working with the City to ensure the access would hold the 72,000 pound requirement and has markings to indicate the access. Council Member Upton asked if there should be language in the Ordinance granting the fire department access for the maintenance. Lt. Grogean said the details are being worked out for the language.

Council Member Litteral asked if Lt. Grogean had met with the developer. Lt. Grogean said specifically with the Creekstone development it is not as much of an issue because the access runs from Grange Hall to Indian Ripple and most of the Woodcrest area has a lot of interconnectivity. He said this connection does not worry the fire department as much as the connections in the Cottages. Council Member Litteral asked Lt. Grogean if he had spoken with the residents in that area. Lt. Grogean said not in this area but they did speak with those in the area of the Cottages. Council Member Litteral said her new concern is there are several areas of access that you can't really access. She hoped this would be a nice working relationship between the city and the township so changes can be made. Lt.

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Grogean said there was a limited amount the City owns but a lot are privately owned which are the true issues.

Council Member Jarvis verified the fire department would prefer a city standard street. Lt. Grogean said that was correct and it always has been because they know they would be property maintained by the City.

Council Member Whilding asked the weight of the emergency vehicle. Lt. Grogean said the ladder is a maximum of 72,000 pounds. Council Member Whilding was concerned as to what type of emergency access would have to be built where there are water issues to handle 72,000 pounds. His concern was they would need a road to handle that size truck. Mr. McGrath said the surface would not be sustainable for the grass pavers. He explained they are looking at 12 foot wide asphalt connection that do not have vehicle access. He said they would be built to private street standards and work out the grading issues. He said there would be a collapsible bollards with two concrete bollards in the grass to prevent cars going around. He said the problem with the water is when the developer has to add curb, sidewalks and gutters which would detain the water to the retention pond.

Vice Mayor Vann asked why Willowcrest Drive has flooded for 27 years and hasn't been fixed. Mr. Moorman explained this has been a long standing issue with Willowcrest which goes back to the original construction of the subdivision where is wasn't planned out like it is done today. He said the problem is there is no fall from point A to point B. He explained you need slope to go from high to low. He said this property is very flat where there is no slope to make the water flow where is needs to go. He said after storms it will sit for an extended period of time in the Willowcrest area. Vice Mayor Vann asked how this problem was going to be solved. Mr. Moorman replied this is only the zoning stage and the developer has not submitted the drainage calculation and still needs to be discussed. Mr. Moorman said there was great opportunity to help with the issue. He said they have looked at various options over the years and been before Council to discuss this many times. He said it's a very expensive endeavor to fix it correctly. He said a couple ideas is to regrade everything to produce the fall. He said you have to go all the way back to North Fairfield Road and regrade the whole channel which is not easy or an inexpensive endeavor. He said they have looked into lift stations and ditches but everything is very pricy. He explained the road money cannot be used for drainage improvements and there is no dedicated money source for drainage. He summarized the reason as a combination of the expense and lack of funding to address it.

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Council Member Jarvis asked Research Park allowed the City on their property to mitigate this from that direction. Mr. Moorman explained they have in the past to clear out brush and trees to help get the water moving to where it needs to go. He said this development would encompass that remaining piece of ground.

Mayor Stone said the ultimate solution other than spending a whole lot of money is to develop around it. He said this development is going to make some difference but until they get into the actual engineering it will be difficult to tell. He said throughout Beavercreek that is how we reduce drainage problems in some of the older neighborhoods because of neighboring developments. He said there was an estimated cost of \$220 million to help resolve the major drainage issues in the City. He said we try to keep an eye out as best we can when things develop these issues and try to make them better.

Council Member Litteral asked if someone could check that area again. Mr. Moorman said he would do that.

Mayor Stone said in general he supports connecting existing plats with new plats. He said they did not connect the Cottages of Beavercreek and it's a new plat connected to a new plat. He said in this case we are looking at an old plat that has a deteriorated road system, no storm drainage, no curbs, no sidewalks and wanting to connect it to the new plat. He said from a secure thoroughfare standpoint he understood the connection. He said this plat has connections to Grange and Shakertown Roads. He said because of the challenges with drainage he thought they ought to reconsider the requirement in the Ordinance for the connection. He said if, at the site plan stage, everybody says they can make this work then they should make the connection. He said they need to take this out of the Ordinance and leave it in the hands of the engineers and staff to make the recommendation when the time is appropriate.

Council Member Jarvis was surprised by the rationale in the decision to connect these two and seemed counterintuitive. He said he drove over to Willowcrest during Saturday's rain and commented that it was terrible. He said they are old township roads that are narrow with no curbing or sidewalks. He said this did not lend itself well to connect to a newer street. He said it would make things worse. He explained the income tax that failed a few years ago was purposed to help solve these types of problems. He said it would make more sense to connect these streets to those similar in nature.

Council Member Whilding asked if this had gone before the Planning Commission. Mr. McGrath replied no.

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Council Member Upton MOVED to remove Condition 9 from Ordinance 16-20, seconded by Council Member Jarvis. Motion PASSED by majority voice vote.

This Ordinance will move automatically to the Third Reading.

Ordinance 16-21 Keeping of Chickens in Residential Districts (First Reading)
Clerk Lampton read an Ordinance adopting new section 158.126 "Keeping of Chickens in Residential Districts" of the City of Beavercreek Code of Ordinances.

Mayor Stone explained at the last Regular meeting there was a tie vote and the reconsideration motion was not passed. He said because of that, this Ordinance is being brought forward again as a first reading. He asked Council if they wished to open this for public comment.

Council Member Whilding said he would like to move forward.

With no other comments from Council, Mayor Stone opened for Council discussion.

Vice Mayor Vann asked staff to explain why this had come before Council and how it was decided on one-third of an acre. She asked if there were a lot of people who want this or if it was one person. Mr. McGrath explained this was addressed when the City was looking at residential keeping of bees. He said there was a lot of interest and presentations. He said there was not as much interest in the chickens as there was in bees. He said this came forward as a result of asking the new Council in January if it was wished to review this issue again. Vice Mayor Vann asked of those in violation of having chicken coops if there were ever any complaints. Mr. McGrath explained there have been complaints. Vice Mayor Vann said when she checked with people who had coops that were no longer being used and they had lost interest in keeping chickens, not because of any complaints. She wondered why this was before Council if they did not have any citizens that were asking for it.

Council Member Jarvis said he had a complaint when a chicken had gotten loose.

Vice Mayor Vann asked if anyone was asking for chickens today. Council Member Jarvis replied yes. Mr. McGrath explained they periodically receive questions from 4H members and the like.

Council Member Litteral thanked the residents for all the information and links to be better informed.

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Vice Mayor Vann said she has seen small chicken coops with six chickens and are no problem. She said it is no different than having a cat or a dog. She said she is not hearing the citizens say let's do it. She said there is not an active push from citizens right now but if there were she did not think it any worse than having cats or dogs. She said if it was managed correctly it would be painless but she did not see the citizens asking for it.

Council Member Jarvis said he has spoken with people on both sides of this topic. He said people who live in close proximity have concerns of predators. He said this could be a slippery slope. He said after chickens there will be requests from people asking for small goats, sheep and pigs. He said he has someone waiting for to this to happen because he would like a pot belly pig. He said we will lose the ability to control this if we start allowing farm animals. He understood both sides of this but chicken ownership should be limited to those areas zoned agricultural.

Council Member Whilding said it's not pressing for the community at this time.

Council Member Whilding MOVED to approve Ordinance 16-21 and move to the second and third readings, seconded by Vice Mayor Vann. Motion DID NOT PASS by a roll call vote of 1-5. (Against – Jarvis, Litteral, Upton, Vann, Stone)

DECISION ITEMS

Motion to Appoint Clerk of Council as designee for Public Records Training

Clerk Lampton explained per the Ohio Revised Code it is a requirement that she along with the Council participate in Certified Public Records Training. She said elected officials are allowed per the ORC to appoint the clerk as their designee to attend this training on their behalf.

Council Member Litteral MOVED to appoint Dianne Lampton, Clerk of Council, as Beaver Creek City Council's designee to attend public records training per Ohio Revised Code Section 109.43, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

Appointments to Boards and Commissions

Parks, Recreation & Culture Board (1 Vacancy)

Council Member Litteral MOVED to open nominations for Parks, Recreation & Culture Board, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

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Council Member Litteral nominated Sharon Fulcher. Vice Mayor Vann nominated Joyce Carter. Council Member Jarvis nominated Cynthia Bieghler.

Vice Mayor Vann MOVED to close nominations for Parks, Recreation & Culture Board, seconded by Council Member Upton. Motion PASSED by majority voice vote.

Vote 1 by show of hands: Cynthia Bieghler 1, Joyce Carter 2, Sharon Fulcher 3.
Vote 2 by show of hands: Joyce Carter 2, Sharon Fulcher 4.

Council Member Litteral MOVED to appoint Sharon Fulcher to the Parks, Recreation & Culture Board for the term through February 28, 2019, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

Environmental Advisory Board (6 Vacancies)

Council Member Litteral MOVED to open nominations for Investment Committee, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

Vice Mayor Vann nominated Laura Funk. Council Member Upton nominated Jeanne Kunay.

Council Member Litteral MOVED to close nominations for Investment Committee, seconded by Council Member Jarvis. Motion PASSED by majority voice vote.

Council Member Upton MOVED to appoint Laura Funk and Jeanne Kunay to the Environmental Advisory Board for the term through February 28, 2019, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

Youth Development Committee

Vice Mayor Vann MOVED to open nominations for Youth Development Committee, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

Council Member Litteral Nominated Tiffany Akers. Vice Mayor Vann nominated Jennifer Hollen. Council Member Jarvis nominated Ashley Howard.

Vice Mayor Vann MOVED to close nominations for Youth Development Committee, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

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Vice Mayor Vann MOVED to appoint Tiffany Akers, Jennifer Hollen and Ashley Howard for the term through February 28, 2018, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

CITY MANAGER'S REPORT

Mr. Cornell reviewed updates on road projects. Park Overlook Drive is completed connecting Commons Blvd and Grange Hall Road. Final asphalt and pavement markings for Grange Hall Road at Shakertown Road is anticipated to be completed by September 16th. Final asphalt and pavement markings on Grange Hall Road widening project are complete.

He thanked all the Popcorn Festival volunteers for another successful year.

MAYOR'S REPORT

Mayor Stone said the Popcorn Festival was a successful event and thanked the staff and the Popcorn Festival Committee. He said the 9/11 Remembrance event was very well attended and he thanked everyone for a great job.

COUNCIL TIME

Council Member Litteral thanked all the volunteers at the Popcorn Festival.

Council Member Upton thanked everyone for a great festival. He traveled to Washington D.C and visited Congressman Turner's office and presented City lapel pins to the staff.

Vice Mayor Vann thought the Popcorn Festival was great and wished they could improve the traffic. She said they have other property maintenance issues other the chickens such as limiting the number of adult dogs in a household and give the City the authority to have a review board to review issues of aggressive or nuisance dogs. She said this was much more important to her. She said the City has property maintenance issues and hoped in the future they could think about what they want their neighborhoods to look like and strengthen the property maintenance standards.

Council Member Jarvis thanked everyone for a great festival.

Council Member Whilding echoed everyone's comments regarding the Popcorn Festival. He reviewed the employee anniversaries. Congratulations to everyone. He updated the status of the City Manager search.

CITIZEN COMMENTS

Vince Russo, 1957 Stonewood Drive, Beaver creek, Ohio

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Mr. Russo said he was part of the group that helped form the city. He recalled two visions for the city. He said the first was a high quality suburban community and the second was to have a governance that responded to the people. He said this is the first time in 36 years he felt compelled to speak before Council. He wanted to thank Council and their predecessors for continuing the vision.

Bill Goessl, 427 Ludlow Road, Xenia, Ohio

Mr. Goessl is highly in favor of chickens. He said there was a comment that chickens attract predators which was totally wrong because they are already. He said people are wanting to go green. He explained he had a both at the Greene County Fair and had over 30 people from Beavercreek stating they couldn't wait until chickens were legalized so they could have them. He said they don't smell and you can move the chicken tractor a little bit every day to fertilize your lawn. He said they eat bugs and weeds. He cannot keep up with his egg orders because people like fresh eggs. He hoped Council would keep an open mind in the future.

Jerry Walling, Bikeway and Non-Motorized Transportation Advisory Committee

Mr. Walling said there was a lot of conversation at their booth at the Popcorn Festival regarding the proposed superstreet. He said the concern is unless there is adequate bike accesses provided across Factory Road or Orchard Lane it will isolate south Beavercreek and the southern communities from successfully crossing U.S. 35 in a safe way. He asked Council and the engineer's office to keep an eye on the project to be sure bike riders are given their rights to get across the road safely. He said Fairfield, Grange Hall and Factory are the best ways to get across.

Tom Sliemers, 1197 Beaver Valley Road, Beavercreek, Ohio

Mr. Sliemers said he has some accessory buildings on his property and would like to make some additions. He said in 2009 he noticed there was an Ordinance passed that did not permit properties of 2 – 4.9 acres the right to make an addition or add an accessory building but 5 acres were allowed. He said the change was made and no one knows why but it is preventing him from adding an accessory building. He sent to Council with Mr. McGrath's permission his application, aerial views and plans. He questioned if Council would like to have a discussion at some time because it has stopped his project.

Mayor Stone explained there was a process with the City for people who wish to do something that is not permitted in the code. Mr. McGrath explained the likelihood of Mr. Sliemers receiving approval from staff based on the criteria for granting a variance would be a recommendation of disapproval. He explained you have to prove hardships, topographical or something unique to the property that proposes challenges.

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Vice Mayor Vann asked what Mr. Sliemers wanted to use the building for. Mr. Sliemers explained he was retired and has projects he is restoring and repairing. He would also like a little basketball court in it. He said this was for his own pleasure. Vice Mayor Vann suggested to pursue the variance and see what happens. Mayor Stone explained Council does not usually discuss topics at this part of the meeting. He said we heard your input and received the information and he may contact any of the Council Members individually.

Brent Nickels, 3531 Woodgreen Drive, Beavercreek, Ohio
Mr. Nickels said chickens are not pets, they are livestock. He said they should be kept in agricultural zones or properties of more than an acre. He suggested to help with the traffic issues during the Popcorn Festival to enact a shuttle service, if possible from the high school. He asked if there was being anything done with the vacant Burger King and Eastgate Ford buildings. He said he has called the City a couple of times on the Burger King building because the grass was two feet high and the building is in disrepair. Mayor Stone suggested to contact staff. Council Member Litteral said the Code Enforcement Officer has been working with the owners of the Burger King property and it is a work in progress.

Citizen Comments was closed.

EXECUTIVE SESSION

Council Member Jarvis MOVED to enter into Executive Session at 7:41 p.m. pursuant to Section 121.22 of the Ohio Revised Code, for the purpose of consideration of the purchase of property for public purposes, conference with city attorney concerning disputes involving the 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 8:50 p.m., seconded by Council Member Upton . Motion was PASSED by roll call vote of 6-0.

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

ADJOURNMENT

Council Member Upton MOVED to adjourn the meeting at 8:51 p.m., seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

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Bob Stone, Mayor

ATTEST:



Dianne Lampton
Clerk of Council
Cmin091216

Dianne Lampton

From: gary johnson <outdoors4me2@gmail.com>
Sent: Saturday, September 10, 2016 11:35 AM
To: Bob Stone
Cc: Council
Subject: Creekstone PUD 16-2 River Hill Rd Amendment 9
Attachments: Creekstone 1.tif; Creekstone 2.tif

Please read the attached letter from Joe Zink concerning the Creekstone development on Grange Hall Rd. and Shakertown Rd.

I am in full agreement with Mr. Zink on this matter of **NOT** extending River Hill Rd. into this new development and opening up Woodhaven to more traffic, especially on Willowcrest Rd. of which I also reside. My property at 3981 Willowcrest gets the most of the backyard flooding since it is the lowest of the properties and needs to be addressed more so than having more traffic into our neighborhood that already has deteriorating streets and plenty of traffic from people wanting to cut through the plat now.

Please reconsider this Amendment 9. It's already sad enough that this farm land and wooded country property behind us, which is why we moved here in the first place, is being destroyed. Don't add anymore salt in the wound.

I wish I could be at the meeting this Monday the 12th to voice my opinion but unfortunately will not be able to do so and hope this letter will help you all to reconsider not extending River Hill Rd into Woodhaven.

Thank you for your consideration,

Gary Johnson outdoors4me2@gmail.com 937-307-2636

In the ground, is where "History" can be found.

Today someone will study your attitudes, words, and deeds. Make sure they see Jesus in you. We are His reflectors to the world.

Dianne Lampton

From: ZINK Joe <Joe.Zink@hexagon.com>
Sent: Saturday, September 10, 2016 4:56 PM
To: Bob Stone; Julie Vann; Brian Jarvis; Melissa Litteral; Zach Upton; Debborah Wallace; Chad Whilding
Cc: Dianne Lampton; Karen Zink
Subject: Willowcrest Rd. floods again
Attachments: Willowcrest Road September 10 2016.jpg

To the Beavercreek City Council,

I've already written a letter to Mayor Stone to be read during the public input section for PUD 16-2. In that letter I state that I'm against Amendment 9, which would connect River Hill with the Creekstone development.

I took this picture at 430pm on Saturday, September 10, 2016. It is still raining, but this is no 100-year rain. I'm sending this picture to let you know that Willowcrest Rd. floods frequently, not just during long rain storms. That is my mailbox. I live at 3997 Willowcrest Rd.

I have no idea why the City would want to increase traffic on this poorly maintained street that floods often.

Joe Zink

3997 Willowcrest Rd.
Beavercreek, OH 45430 USA
Home: (937) 429-9510
Mobile: (937) 672-9689

Dianne Lampton

From: Cheryl Maiden <maid2usa@sbcglobal.net>
Sent: Sunday, September 11, 2016 4:09 PM
To: Council
Cc: maid2usa@sbcglobal.com
Subject: Letter for Public Input (Sep 12 Council Mtg) - RE: Amendment 9 - PID 16-2
Attachments: CITY COUNCIL MEETING.docx

Mayor Stone,

Request our attached letter be read during the public input portion of the City Council meeting scheduled for September 12, 2016.

Thank you,

Timothy and Cheryl Maiden
3960 Willowcrest Road

Beavercreek, OH 45430
937-429-3400

September 11, 2016

Council Members,

This letter is to inform you that we, **Timothy and Cheryl Maiden**, currently residing at 3960 Willowcrest Road, Beavercreek, OH are against Amendment 9 to PUD 16-2 which would permit connection of Riverhills Road to the new Creekstone development for the following reasons:

First, this will cause an increase in traffic throughout our neighborhood and most certainly on Willowcrest Road since it connects directly to Grange Hall Road. We would expect increased noise levels as a result of increased vehicle traffic and we would definitely consider this as a safety issue for our residents as well.

Willowcrest Road and Riverhills Road, along with all Woodhaven, are non-sidewalk roads. School children do not have sidewalks to stand on while awaiting their buses or walking to and from home and many residents walk these streets on a daily basis – increasing traffic only adds to the potential for an accident.

Second, but most importantly, both Willowcrest Road and Riverhills Road have had water drainage issues for years. We have lived on Willowcrest Road for 28 years and the water issues have only become worse. Both streets need repaired and repaved, however Riverhills is literally falling apart. This drainage issue and subsequent road erosion has been an ongoing issue to which the Engineering Dept stated would only be 'fixable' if the land was developed around us due to costs involved. WELL.....now is the time to have this water drainage issue addressed. It is our understanding that the BEST way to address this issue is to NOT use Riverhills as a connector to the new development and to allow Oberer developers to use this area to address our drainage issue.

As an additional note, this water drainage issue is also a HEALTH concern. For years, we, along with other residents have put up with the increased mosquitos in this area which are directly related to standing water in driveway and street drainage pipes and standing water in our surrounding fields. The Greene County Public Health Dept can attest to this fact as we call them on a regular basis to address this increasing problem and they recognize that we have had an ongoing issue for years. With the now new Zika virus becoming a potential future threat

to all areas in the U.S., addressing the issue of drainage is to us the most important issue. Establishing a connecting bike path to the new development is sufficient and making the BEST decision towards ensuring that the water drainage issue is resolved should be the Councils primary concern.

Sincerely,

Timothy and Cheryl Maiden
3960 Willowcrest Road
Beavercreek OH
937-429-3400

To the Woodhaven Neighbors Creekstone development

The Beaver Creek City Council meets at 6pm on the 2nd and 4th Monday of each month. At the August 22nd meeting the City Council included a public hearing on PUD 16-2, an application filed by Oberer Land Developers, Ltd. for a Planned Unit Development to be known as "**Creekstone**".

When the Planning Commission voted for approval of this application they added Amendment 9 which connects River Hill Road to the new development. This will cause increased traffic through our neighborhood making our streets much less safe. It will also decrease the developer's options in solving the Willowcrest Rd. drainage issue.

At that meeting I was one of only two neighbors who spoke during the Public Input section of the meeting. My fear is that we are sending the message to City Council that the neighbors have no opinion on this development. My opinion is that I prefer it stay farm land, but this is not realistic. Compared to the apartments previously proposed, this to me is a much better option for this land and for the neighborhood. However, I am definitely against Amendment 9 that makes the River Hill Rd. connection into the new development a road and not just a bike path. The City has several examples of where an older, existing development is connected with a new development with only a bike path.

A few of the commissioners spoke in favor of making this only a bike path connection, but the application moved to a second reading with Amendment 9 still included. The second reading will be our last time to voice our opinion on this development.

Now is the time for our voices to be heard.

Please consider coming to the next City Council meeting and voice your opinion. If you say nothing more than "I agree with the previous speaker", you are giving City Council information about the number of neighbors who have an opinion on this development. You can also say things like, "I think connecting River Hill to the new development will make our neighborhood less safe for our children and grandchildren", "The city needs to fix the Willowcrest Rd. drainage problem now", "There is plenty of egress from our neighborhood. We don't need another one", "Our neighborhood streets are in deplorable shape. The city is not maintaining them. Why would we want more traffic on them?", "There is no advantage to the neighborhood to connect River Hill", "Why is this City Commission considering punishing our neighborhood by connecting River Hill to this development? We pay our taxes and are not even getting our streets maintained now".

The next City Council meeting is on Monday, September 12th at 6pm at the City building. Unfortunately, I will be out of town and won't be able to attend the meeting. I will write a letter to Bob Stone, City Mayor, and ask him to read it during the public input portion of the meeting. If you are unable to attend this meeting, you might want to consider also writing a letter to the Mayor so that he can read your letter during public input.

Thank you

Joe Zink
3997 Willowcrest Rd.
429-9510

Bob Stone, Mayor
City of Beavercreek
1368 Research Park Drive
Beavercreek, OH 45432

Dear Mr. Mayor,

Please read the following at the Public Input portion of the next City Council meeting for Creekstone, PUD 16-2. I am out of town and unable to attend this very important meeting.

As I stated at the previous City Council meeting regarding this PUD, I am in favor of this development because I think this is the best option that I've heard so far, and my fear is, if this is not approved, we will again have to be concerned about a development of apartments with no home owners' association, which will bring transients into the neighborhood.

I am against connecting River Hill to the Creekstone development, Amendment 9, which was added by the Planning Commission after public input. My reasons are:

1. It is not required for egress. Both our neighborhood and Creekstone have or will have more than one entrance and exit.
2. The City does not currently maintain Willowcrest Rd. today. We don't need additional traffic on this poorly maintained road.
3. Additional traffic into our neighborhood will make it less safe, especially for our children and grandchildren. I know that this is a debatable point for some, but when they are wrong, it will be too late to fix it.
4. The City has already shown that they are willing to connect older neighborhoods to new neighborhoods with only a bikeway / walkway. There is no reason to believe that a bikeway / walkway from our neighborhood to Creekstone will not be sufficient.
5. The developer has said that he thinks he can do a better job of moving water off of Willowcrest Rd. if this road connection is not made. The city has said that the Willowcrest Rd. water issue can only be solved via a grant or by a developer. The grants never came and this will be the last neighborhood development. The city must fix the water problem as part of this development. With all due respect to the City Engineer, his proposal at the last City Council meeting adds additional risk to solving the problem, and it does this with no apparent benefit.

Please approve PUD 16-2 without Amendment 9.

Thank you.

Joe Zink
3997 Willowcrest Rd.
Beavercreek, OH 45430

