

BEAVERCREEK CITY COUNCIL
REGULAR MEETING October 10, 2016 6:00 p.m.

PROCLAMATIONS

◆ Domestic Violence Awareness Month

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

TARDY: None

ALSO IN ATTENDANCE: Jill Bissinger, Human Resources; Randy Burkett, City Planner; Michael Cornell, City Manager; Dennis Evers, Chief of Police; Dianne Lampton, Clerk of Council; Jeff McGrath, Planning & Zoning Director; Steve McHugh, Legal Counsel; Jeff Moorman, City Engineer; Nick Smith, Assistant City Engineer

PLEDGE

Council Member Upton led the pledge and a moment of silence

APPROVAL OF AGENDA

Council Member Upton MOVED to amend the agenda by removing agenda item VII. C. and adding a pre-scheduled presenter, Vicki Giambrone after the approval of minutes, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

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

APPROVAL OF MINUTES

Council Member Upton MOVED to approve the minutes of the September 20, 2016 Joint Work Session with Beaver Creek Township and Greene County, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote. (Abstained - Jarvis, Litteral, Wallace)

Council Member Litteral MOVED to approve the minutes of the September 26, 2016 Regular Meeting, seconded by Council Member Upton. Motion PASSED by majority voice vote. (Abstained – Vann, Wallace)

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PRE-SCHEDULED PRESENTER

Vicki Giambrone, Past Mayor

Ms. Giambrone explained the Ohio Veterans Hall of Fame has inducted more than 400 veterans since inception in 1992, including Council Member Jarvis. She said each year an executive committee made up of representatives of Ohio veterans select up to 20 inductees from applications received from all across the state. She said these people are leaders in their community and have made significant impact on the lives of their fellow veterans. She said our Deborah Wallace has demonstrated outstanding leadership as an entrepreneur, community leader and public servant. Ms. Giambrone was proud to join State Representative Rick Perales and others to nominate Council Member Wallace to the Ohio Veterans Hall of Fame. She said anybody who knows her knows that she has always wanted a life of service which she has accomplished. She uses every volunteer effort in public service to demonstrate extraordinary leadership on behalf of veterans and disabled citizens. She has a deep and abiding commitment to her country, profession and all of those she serves. Ms. Giambrone welcomed Council Member Wallace to the 2016 Class of the Ohio Veterans Hall of Fame. Ms. Giambrone thought Beaver creek as one of the only cities in the State of Ohio that can account two members of the Veterans Hall of Fame on City Council. She congratulated Council Member Wallace. The induction ceremony will be held on November 3rd in Columbus.

PUBLIC HEARING PUD 16-1 SSP #1 Cottages of Beaver creek

Clerk Lampton read an application filed by Charles Simms Development, 2785 Orchard Run Road, Dayton, Ohio 45449. The application requests specific site plan approval to allow for the construction of 14 single-story condominium buildings totaling 85 units to be constructed on 20.03 acres. The property is located on the east side of County Line Road approximately 700 feet south of the intersection of County Line Road and Weber Drive. The property is further described as Book 3, Page 3, Parcel 72 on the Greene County Property Tax Atlas.

Mr. Cornell excused himself from the meeting.

Applicant Presentation

Charles Simms, 2785 Orchard run Road, Dayton, OH 45449

Mr. Simms said this would be their third development in Beaver creek. He said this was approved through the Planning Commission and was available for any questions following the Staff Presentation.

Staff Presentation

Mr. Burkett summarized the staff report dated October 6, 2016, which stated the

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applicant is requesting approval of a specific site plan to allow for the construction 84 residential units on 20 acres. Mr. Burkett discussed the location of the lot and the existing site conditions. He explained this was still within the 30 day referendum period however there was a condition should a referendum come forward any approvable this evening would be null and void until the referendum was considered. He reviewed the surrounding properties' zoning districts, the site plan, the emergency access points, the detention facility, parking, the architectural elevations, the landscaping plan and ground signage. Mr. Burkett explained condition #22 referred to the collapsible bollard for emergency access on Terrance Drive but also wished to add Quill Road to the language as well. He said it is on the plans but wished to reiterate this in the conditions. Staff and Planning Commission recommended approval of the applicant's request with 25 conditions.

Public Input

Jennifer Tomak, 4312 Straight Arrow Rd, Beavercreek, Ohio

Ms. Tomak explained she had just bought a condominium in the Cinnamon Ridge complex and was not aware of this construction. She was concerned about the forest on the south side of the new complex. She was not sure if this had been addressed.

David Asadorian, 4281 Maple Hill Terrace, Beavercreek, Ohio

Mr. Asadorian questioned how much of the wood would be left between the single family homes and where the buildings start.

Sean Simmons, 4282 Weber Drive, Beavercreek, Ohio

Mr. Simmons said he has spoken with staff, the developer and Council Members regarding this plan. He thanked everyone for taking the time and listening to the neighbors and felt they had reached a compromise.

The public hearing was closed.

Mayor Stone asked staff to address the concerns of the wooded area.

Mr. Burkett explained there was a 50 foot buffer/building setback along the southern property line. He said there was a large portion of the wooded area that would be dedicated to the City to connect to a reserve. He said there would be trees preserved on both the north and south side of the property line.

Council Input

Council Member Whilding was concerned about creating an island at Quill Road to the north. He said there is an emergency access by not a roadway. He said it didn't help with traffic congestion or help connect the neighborhoods. He said if

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they are compatible neighborhoods they should have neighborhoods connect with each other. He said this helps disperse traffic to the two stop lights on County Line Road. He thought this was one thing they were overlooking at this point to not have through traffic at Quill Road to help all of these neighborhoods move in and out.

Council Member Wallace thanked the staff and developer for working with the neighborhood. She questioned the location of the light on Quill Road. Mr. Burkett explained the location of Quill Road on the north and south side of the development. He explained the left turn light was at Straight Arrow and County Line Road. He explained the other light was at Weber Drive and County Line Road. Council Member Whilding said there is a bus stop at Straight Arrow and Quill which has concern because when this is built out, all the traffic is being sent out to the light through the bus stop. He said if you have two ways out you won't send all the traffic through one bus stop where the students come from Cinnamon Ridge. He said if you have a dispersion of traffic to the north and south and there is safety for all. Mr. Burkett explained there was a condition to add a street light at the bus stop to illuminate the area.

Vice Mayor Vann verified there was a road going to County Line Road for the new development and would easily be able to make right turns onto County Line Road. Mr. Burkett replied that was correct. Vice Mayor Vann said it was the people who have to turn left that would chose to go to the light.

Council Member Wallace verified Council Member Whilding was recommending access north on Quill also. Council Member Whilding replied he was recommending a street access point. Council Member Wallace asked if they added this as a condition how would it affect the building plans. Mr. Burkett explained the road between north and south Quill Road would become a public road versus a private road and would create challenges. He said this was a compromise assess point with the neighbors because there was less of a desire for the neighbors to the north to have through traffic going through their neighborhood. The emergency access point was the compromise. Mr. Burkett said the entire road in the new development is a private street. Council Member Wallace asked if they change it to open up to Quill to the north then the road in between would become public. She said they would then have to maintain the street.

Mayor Stone asked if there was a right-of-way for the emergency access. Mr. Burkett said at this point it would be privately maintained and there would not be any right-of-way dedicated. He explained the emergency access would also be privately maintained. Mayor Stone asked if people thought ten years from now if

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would be wise to connect the two could a right-of-way be added with a 50 foot access. Mr. Burkett said if that was so desired it could be added at the sub-division stage.

Vice Mayor Vann asked if this is a private street and children are living in that neighborhood would they have to walk to the public street to catch the bus. Mr. Burkett said that would be a question for the school but it would be the same situation as Cinnamon Ridge. Mr. Burkett explained this development is marketed towards retirees and empty nesters.

Mayor Stone said he would like to see at the next phase to reserve a 50 foot opening at that access. Mr. Burkett said the fire department would like a wide easement so they can maintain the access.

Council Member Wallace said she would like to the cost of maintaining the street if they chose to connect Quill Road and make it a public street. Mr. Moorman said he would put that information together and have it available in a couple of days.

Council Member Wallace MOVED to amend Condition 22 by adding Quill Road, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

Council Member Whilding said if they are considering additional data regarding the cost of maintaining the street and adding a 50 foot buffer, they would need to table this case.

Mayor Stone said it was a possibility. He said when you talk of changing part of it to a public street, the whole thing needs to go public. He said most of the condo complexes are setup as private streets. He said this was discussed in length at the zoning process and it was decided to not make it a condition that it be connected. He said there was a lot of public input along with input from staff.

Council Member Whilding MOVED to table PUD 16-1 SSP #1 to the October 24, 2016 Regular Meeting, seconded by Council Member Wallace. Motion PASSED by majority voice vote. (Against – Vann, Stone)

Mr. Cornell returned to the meeting.

ORDINANCES, RESOLUTIONS AND PUDS

Ordinance 16-22 Repealing Current Section 132.13 “Panhandling” and adopting New Section 132.13 “Panhandling” (First Reading)

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Clerk Lampton read an Ordinance repealing current Section 132.13 "Panhandling" of the City of Beavercreek Code of Ordinances, and adopting new Section 132.13 "Panhandling" of the City of Beavercreek Code of Ordinances.

Mr. McHugh explained the next two Ordinances were updates based on case law decisions. He said there was clarification of the definitions of panhandling and solicitation.

Council Member Upton appreciated the updates.

Council Member Jarvis MOVED to approve Ordinance 16-22 and move to the second and third readings, seconded by Council Member Wallace. Motion PASSED by majority voice vote.

Ordinance 16-23 Repealing Current Chapter 112 "Peddling, and Soliciting, and Distribution" and Adopting new Chapter 112 "Peddling, and Soliciting, and Distribution (First Reading)

Clerk Lampton read an Ordinance repealing current Chapter 112 "Peddling and Soliciting" of the City of Beavercreek Code of Ordinances and adopting new Chapter 112 "Peddling, Soliciting, and Distribution" of the City of Beavercreek Code of Ordinances.

Mr. McHugh said this is the companion Ordinance that deals with solicitation.

Vice Mayor Vann MOVED to approve Ordinance 16-23, seconded by Council Member Whilding and move to the second and third readings. Motion PASSED by majority voice vote.

Resolution 16-20 Agreement with ODOT for Municipal Bridge Inspection Program

Clerk Lampton read a Resolution giving consent to the Director of the Ohio Department of Transportation to proceed with bridge inspection program services project; PID No., 102554.

Mr. Moorman explained the city currently maintains 24 bridges and has historically been the city's responsibility to inspect each of the bridges on an annual basis. He said three years ago the Ohio Department of Transportation voluntarily said they would do the inspections for a three year period. Mr. Moorman said the three years has past and ODOT said they would renew the program for another three years. He said these inspections are only for bridges that carry cars and pedestrian bridges remain the responsibility of the city. He said this program saves the city an estimated \$6,500 per year.

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Vice Mayor Vann MOVED to approve Resolution 16-20, seconded by Council Member Upton. Motion PASSED by majority voice vote.

Resolution 16-24 Submittal of MVRPC MAP-21 Funding Applications

Clerk Lampton read a Resolution authorizing the submittal of applications for Federal MAP-21 Funds through the Miami Valley Regional Planning Commission.

Mr. Smith explained the Resolution was to allow for the submittal of applications for project funding through the Miami Valley Regional Planning Commission. He said staff had six projects that should be eligible for financial assistance. Those projects included North Fairfield Road Resurfacing from North Drive to Kemp Road, Factory Road Widening from Nutter Park to Creekside Trail, Grande Hall Road Widening from Summerfield Drive to Kemp Road, Indian Ripple Road Resurfacing from Stroop to Sylvania, Kemp Road Widening from North Fairfield Road to Hanes Road and Col. Glenn Highway Enhancement-Phase II from Zink Road to west of Presidential Drive.

Vice Mayor Vann asked what category the funds were being requested from. Mr. Smith replied the category for resurfacing were Surface Transportation Program (STP) funds. Vice Mayor Vann asked if they were requesting any Transportation Alternative (TA) funds. Mr. Smith replied they were for the Col. Glenn Highway Enhancement – Phase II.

Vice Mayor Vann MOVED to approve Resolution 16-24, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

LIQUOR PERMITS

81 Magnolia Ln Inc., dba La Cantina (New)

Chief Evers said the Ohio Division of Liquor Control sent police notification referencing a new D1, D2, D3 liquor permit for 81 Magnolia Ln. LLC DBA La Cantina Ln. 81 Magnolia Ln., Beaver creek, Ohio 45440. The records checks required by the Ohio Department of Commerce – Division of Liquor Control were conducted on the business officers/shareholders of this application request. Staff recommended this application request move forward with no comment.

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

Lake Ventures, LLC dba Fresh Thyme Farmers Market (Stock)

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Chief Evers said the Ohio Division of Liquor Control sent police notification of a request regarding a change of corporate stock on a C1, C2, D6, D8 liquor permit for Lakes Venture LLC DBA Fresh Thyme Farmers Market, 2850 Centre Drive, Suite E, Beavercreek, Ohio 45324. The record checks required by the Ohio Department of Commerce – Division of Liquor Control were conducted on the applicant/shareholders for this application request. Staff recommended this application request move forward with no comment.

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

CITY MANAGER'S REPORT

Mr. Cornell said Try A Truck would be held Saturday, October 15th from 10:00 a.m. – 1:00 p.m. along with an Open House at Fire Station 61 and DayAir Credit Union. Mr. Moorman explained the road closure occurring on Saturday, October 22nd at Grange Hall and Oxmoor Road. He said Greene County Sanitary Department would be making sanitary sewer repairs which requires to dig up the road to replace piping. He said the closure will be at Kemp and Grange Hall Roads. The detour will take drivers to North Fairfield Road to Pentagon Blvd. The road should be reopened Monday morning.

Mr. Cornell said Drug Take Back Day will be October 22nd from 10:00 a.m. to 2 p.m. at the police department. Beggars Night will be October 31st from 6:00 p.m. – 8:00 p.m.

MAYOR'S REPORT

Mayor Stone said the Haunted Classic will be held this weekend which is one of the largest soccer tournaments in the country. He thanked the Greene County Commissioners and staff and the Beavercreek Township Trustees and staff along with the City for coming to an agreement with regards to the superstreet.

COUNCIL TIME

Council Member Upton said early voting starts this week. He said Issue 1 is a charter amendment to create a direct election of mayor. He said to know all the issues before you vote.

Council Member Wallace said MVRPC placed two projects for recommendation to ODOT. She said the first is U.S. 35 from Livingston to I-675 to make it a three lane highway and the second is the U.S. 35 Superstreet. She would be in attendance on October 13th to petition the recommendation for the safety of our communities.

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Council Member Jarvis said the Shakertown and Grange Hall Road project is almost complete.

CITIZEN COMMENTS

There being no citizen comments, citizen comments was closed.

EXECUTIVE SESSION

Council Member Jarvis MOVED to enter into Executive Session at 7:02 p.m. pursuant to Section 121.22 of the Ohio Revised Code, for the purpose of the appointment or employment of public employee or official, seconded by Council Member Whilding . Motion PASSED by a roll call vote of 5-0.

Council Member Upton MOVED to adjourn executive session at 7:43 p.m., seconded by Council Member Wallace . Motion was PASSED by roll call vote of 7-0.

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

ADJOURNMENT

Council Member Litteral MOVED to adjourn the meeting at 7:44 p.m., seconded by Council Member Whilding. Motion PASSED by majority voice vote.



Bob Stone, Mayor

ATTEST:



Dianne Lampton
Clerk of Council
Cmin101016

