

BEAVERCREEK CITY COUNCIL
REGULAR MEETING January 8, 2018 6:00 p.m.

CALL TO ORDER

Mayor Stone called the meeting to order followed by roll call

PRESENT: Council Member Litteral, Council Member Rushing, Council Member Upton, Council Member Vann, Vice Mayor Garcia Mayor Stone

ABSENT: None

ALSO IN ATTENDANCE: Amy Blankenship, Legal Counsel; Randy Burkett, City Planner; Dennis Evers, Chief of Police; Bill Kucera, Financial Administrative Services Director; Dianne Lampton, Clerk of Council; Pete Landrum, City Manager; Jeff McGrath, Planning and Development Director; Mike Thonnerieux, Public Administrative Services Director

PLEDGE

Mayor Stone led the pledge and a moment of silence.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Council Member Litteral MOVED to approve the December 11, 2017 Regular Meeting Minutes, seconded by Council Member Vann. Motion PASSED by majority voice vote. (Garcia and Rushing abstained)

PRESCCHEDULED PRESENTER

Bob Glaser, Greene County Commissioner: Electric

Mr. Glaser explained the county had worked on electric aggregation about three years ago for the unincorporated area of the county. He said this had saved the residents about \$1.3 million dollars in electric fees for this time period. He said they were in the process of negotiating another contract through Palmer Energy which would save the residents more money. He said in 2003 the City of Beavercreek residents voted to allow Beavercreek City Council to enter into an electric and gas aggregation. He said at this time Palmer was no longer just associated with County Commissioners Association of Ohio (CCAO). He said they were now associated with the Ohio Municipal League. He said there was an opportunity for the City to enter into an agreement and realize the same savings that the unincorporated area of the county is. He introduced Kirk Mizerek and Amy Hoffman from Palmer Electric. He said he thought this should be something the city should consider.

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Mr. Mizerek said he was representing the Ohio Municipal League Service Corporation because it was their program they were speaking about. He explained Palmer was a northwestern company in Toledo who handled many governments throughout the state. He said they recently were brought in with the Ohio Municipal League (OML) to help with the Ohio Municipal League Service Corporation. He said this was rolled out recently. He said there are a lot of cities, villages and counties that do this. Many are handled through the County Commissioners and the OML program. He said this has to go through the RFP process for the various suppliers to make sure the best possible rate is received.

Ms. Hoffman reviewed what Palmer Energy would oversee through the program. She said with the current market and competition there was a way to save money through the RFP process for residents and small businesses. She said they oversee 167 different aggregations in the State of Ohio. She said they were independent consultants and work with seven to twelve different suppliers. She said they are able to get bulk purchasing power. She said they would review the results in a transparent manner and compare the savings. She said Palmer Energy would take care of all the paperwork and keep the city in the loop at all times. She said they had just signed a contract with the City of Xenia.

Mayor Stone said they would discuss amongst themselves to decide what direction they would like to go.

Council Member Vann asked Mr. Glaser how much the county residents were saving. Mr. Glaser replied in the unincorporated area it was approximately \$1.3 million. It varied per each household from \$120 to \$400 per year. The price was two and a half cents less per kilowatt than what he was being offered if he continued with his present supplier. He asked Council to look now because the competition was currently very competitive.

PUBLIC HEARING – PUD 17-2 SSP#1, Speedway – Indian Ripple Road

Clerk Lampton read an application filed by Speedway LLC, 600 speedway Drive, Enon, OH 45323. The application requests specific site plan approval for 1.16 acres of land to allow for construction of a 4, 600 square foot gas station and retail building with associated gas pumps located on the southeast corner of Indian Ripple Road and Darst Road further described as Book 3, Page 21, Parcel 257 and part of Parcel 133 on the Greene County Property Tax Atlas.

Applicant Presentation

Rob Sweet, 5721 Dragon Way, Ste 300, Cincinnati, Ohio

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Mr. Sweet explained he was looking for specific site plan approval associated with the rezoning at 3991 Indian Ripple Road. He said they had received rezoning approval on September 25th. There was a contract to purchase .32 acres which was the detention basin for the Kettering Medical Center. He said this would be added to their current site to develop a similar layout as the new store at North Fairfield and Kemp Roads. He reviewed a few of the changes and said they were in agreeance to the conditions listed in the staff report.

Staff Presentation

Mr. Burkett reviewed the staff report date January 4, 2018 stating the applicant was looking for site plan approval to allow for the construction of a 4,600 square foot fueling station and convenience store on 1.16 acres. He reviewed the location, the existing conditions and the proposed site plan. He reviewed the proposed access points which he said would no more than 36 feet wide to allow for additional pervious surface and a condition to add a pork chop triangular paved piece to limit people leaving the site to the west. There was also a requirement for stripping to delineate between the turn lanes and in and out lanes. He reviewed the building design, parking requirements and the dumpster enclosure requirements, water detention requirements, the color rendering of the site. Mr. Burkett explained one condition in the resolution was to replace the proposed six-foot decorative fence with some low lying shrubs because staff was concerned about a line-of-sight issue. There were 20 conditions and both Planning Commission and staff recommend approval.

Public Input

There being no comments, citizen comments was closed.

Council Input

Council Member Litteral asked the width on the exit and entrance. Mr. Burkett replied they were 36 feet. Council Member Litteral asked if this was more than the one at Fairfield and Kemp. Mr. Burkett replied it was the same width but without the stripping. He said this location had more depth for more stacking of cars. Council Member Litteral said it was still a problem at Fairfield and Kemp and the barrier for people to turn left doesn't work because people turn left out of there every morning heading north on North Fairfield. Mr. Burkett said they had some flexibility and thought the stripping would help.

Council Member Rushing questioned the number of ADA parking spaces. Mr. Burkett explained if it was business that catered towards a population inclined to mobility issues such as retirement communities or health clinics the number would be increased. He said with this site one ADA parking spot meets ADA minimum.

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The applicant added a second to go above and beyond. He said two would be adequate to serve this site.

Council Member Vann said there was typically a button to push if you are handicapped for assistance.

Council Member Upton said at the rezoning they had talked about underground tanks and asked if there were any further updates. Mr. Burkett said the smaller tank would hold the water longer so it's cleaned and filtered before it's absorbed into the dirt. The second tank can leach into the field because it was runoff from the Ollie Davis site. He said the engineers had reviewed the design and had no concerns with the design or the capacity. He said the city engineer will have to sign off on the final drawings before the developer could break ground. Council Member Upton questioned the maintenance for the tanks and who would oversee that. Mr. Burkett said the City would get involved if there was a problem.

Mayor Stone suggested looking into making the entrance wider to 40 feet. Mr. Burkett suggested taking out the last sentence in condition 16. Mayor Stone reviewed handicapped parking. He said the Planning Commission added one additional handicapped parking space. He asked the applicant if they were comfortable with that addition. Mr. Sweet replied they were. Mayor Stone said in the past numbers were being thrown out arbitrarily. He said they did change the Ordinance which covered most everything now.

Council Member Litteral MOVED to amend condition 16 to say up to 40 feet, seconded by Council Member Upton. Motion PASSED by majority voice vote.

Motion

Council Member Litteral MOVED, for the purpose of taking administrative action, approval of a Specific Site Plan for Speedway-Indian Ripple Road, 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 Specific Site Plan 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 and the architectural elevations and signage shall be the plans dated "Received October 13, 2017" except as modified herein.

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2. All building mechanical equipment is to be screened from all directions with architectural features (roof forms or parapet walls). The final material used as the HVAC roof screening will be reviewed and approved by the Planning Department, prior to the release of a zoning permit for the building. The screening shall be the same color as the asphalt shingles that are used for the rest of the roof.
3. Final cut sheet details and photometric plans for the lighting of the site shall be reviewed and approved by the Planning Department, prior to the issuance of a zoning permit. The light fixtures used in the fuel pump canopy shall be recessed, not protruding below the bottom of the canopy.
4. A PUD Agreement must be signed by the owner and a bond or letter of credit for the entire 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 bond or letter of credit must meet the requirements of the City's landscaping and screening regulations.
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 planted, within three months, weather permitting.
6. All trash collection containers shall be enclosed within a building or screened from view and enclosed within a permanent dumpster enclosure. All dumpster enclosures shall be constructed with materials to match the building. The final materials will be reviewed and approved by the Planning Department prior to the release of the zoning permit.
7. Debris and trash shall be routinely collected by the owner from the parking lot and grounds of all areas of the project. The City reserves the right to require more frequent collection as necessary.
8. All concerns of the City Engineer, Fire Department, Sanitary Engineer and the Planning Department shall be addressed and approved prior to the release of a zoning permit.
9. No temporary signs of any kind will be permitted within this PUD.

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10. No portion of the building may be occupied for the first time or reoccupied later until and unless an application for a Certificate of Use Compliance has been submitted to the City by the property owner or by the prospective occupant. No such occupancy may occur until the application for a Certificate of Use Compliance has been approved and issued by the City.
11. All man-doors and service doors and downspouts shall be painted to match the color of the building in order to blend in with the facade.
12. Prior to release of the record plan for recording, the applicant shall sign a Subdivider's Contract and submit a bond or letter of credit for the purpose of ensuring the installation of public improvements, if required by the City Engineer.
13. There shall be no storage or display of retail items permitted outdoors.
14. The façade shall not be painted or altered without the expressed permission of the Planning Commission and/or the Planning Department.
15. A detailed landscape plan shall be reviewed and approved by the Planning Department prior to the execution of the required PUD Agreement and the release of a zoning permit for the building. The final plans shall show planting materials that are comparable to those used at the Ollie Davis Medical Building.
16. The applicant shall install a traffic control island feature, the final design of which shall be reviewed and approved by the City Engineer, at the Indian Ripple Road entrance that prohibits vehicles exiting left from the site. This entrance shall be a maximum of up to 40 feet wide.
17. The fence shown on the plans south of the proposed canopy shall be replaced with evergreen shrubs, which will be at least 24 inches tall at the time of planting.
18. Striping shall be added and maintained at each to the two entrances to delineate the lanes to which traffic shall be able to enter and exit the site.

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19. A sign package shall be reviewed and approved by Planning Commission as a minor modification.
20. One additional handicap parking space shall be added for a total of two handicap spaces.

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

ORDINANCES, RESOLUTION AND PUDS

Resolution 18-01 Authorizing Finance Director to request the Auditor of Greene County for advance of real estate and public utility taxes

Clerk Lampton read a Resolution authorizing the City Manager or his designee the Financial Administrative Services Director to request advance draws upon the amounts collected by the Greene County Auditor for the City of Beavercreek 2017 real estate and personal property taxes collected during calendar year 2018

Mr. Kucera explained the ORC states the auditor to send our property taxes in March and August. He said by passing this Resolution allowed them to send it a little earlier. He said in the past they had nine advances for a total of \$14 million. He said they put that in the bank and generated an additional \$4-5,000 additional in interest.

Council Member Vann MOVED to approve Resolution 18-01, seconded by Council Member Rushing. Motion PASSED by majority voice vote

Resolution 18-02 Accepting Rates and Amounts from County Auditor

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

Mr. Kucera said this was a Resolution that accepted the rates and the revenue generated from the general bond retirement fund. He explained this was the one that pays the debt service on the public service building. He said normally it's at .3 mills but this year the County Auditor said it could be reduced to .28 mills. He said this equates to about 70 cents per \$100,000 valuation and would be in the current property tax rolls for the 2017 taxes payable in 2018.

Council Member Upton MOVED to approve Resolution 18-02, seconded by Council Member Litteral. Motion PASSED by majority voice vote

Resolution 18-03 Electric Generation Supply Agreement with Miami Valley Cable Council (MVCC)

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Clerk Lampton read a Resolution authorizing the City Manager to execute an amendment to an agreement for electric generation supply with a competitive retail electric service provider.

Mr. Kucera explained this was an agreement that was started in 2011. The Miami Valley Cable Council consolidated all of the communities who wanted to participate in a program to save the city electric dollars for the facilities and ancillary equipment. He said Commissioner Glaser was talking aggregation but this was a process where we negotiated prices on our own with this pool to get lower rates for our facilities. He said the original agreement goes through December 2019. He said this agreement extends it to May 2021. He said based on our current usage, the city would save over \$14,000 over the life of the renewal.

Council Member Vann confirmed the two were totally different and there wouldn't be any rolling of them together. Mr. Kucera said he was not sure how aggregation would work with the city because this would be commercial rates versus residential rates. Council Member Vann said what the county was proposing was to help our businesses. Mr. Kucera said as that would unfold they would compare those rates but the city would be locked into these rates. Council Member Vann asked when this was due. Mayor Stone said it was due now. Council Member Vann said so there would be no waiting to see what we could get. Mr. Kucera said to do that we would have to go through the RFP process which would take up to six months. Council Member Vann said the current one lasts until December 2019 so we are really planning ahead. Mr. Landrum explained to get the reduced rate we have to lock in now. Mr. Kucera said with the 24 communities in this pool, some of them have a huge demand and this would probably be a better rate than what they could get through an aggregation program.

Council Member Upton MOVED to approve Resolution 18-03, seconded by Council Member Litteral. Motion PASSED by majority voice vote

LIQUOR PERMITS

Smart Summit Nine II LLC DBA Beaver creek Courtyard by Marriott & Courtyard (Transfer)

Chief Evers explained the Ohio Division of Liquor Control sent police notification of a request to transfer a D5A, D6 liquor permit for Beaver creek BL Investors of Duluth LLC, DBA Beaver creek Courtyard by Marriott, 2727 Fairfield Commons, Beaver creek, OH 45431 to Smart Summit Nine 11 LLC, DBA Beaver creek Courtyard by Marriott 2727 Fairfield Commons, Beaver creek, OH 45431. 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 liquor permit transfer move forward with no comment.

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

Smart Summit Nine II LLC DBA Residence Inn and Patio (Transfer)

Chief Evers explained the Ohio Division of Liquor Control sent police notification of a request to transfer a D5A liquor permit for Beaver creek BL Investors of Duluth LLC, DBA Beaver creek Residence Inn & Patio, 2779 Fairfield Commons, Beaver creek, OH 45431 to Smart Summit Nine 11 LLC, DBA Beaver creek Residence Inn & Patio 2779 Fairfield Commons, Beaver creek, OH 45431. 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 liquor permit transfer move forward with no comment.

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

ERJ Dining IV LLC DBA Chili's Bar & Grill (Stock)

Chief Evers explained the Ohio Department of Commerce, Division of Liquor Control sent notification of a request regarding a change of corporate stock on a D1, D2, D3 and D6 liquor permit for EBJ Dining IV LLC DBA Chili's Bar & Grill, 2762 N. Fairfield Rd., Beaver creek, OH 45434. 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 is recommending this application request to move forward without comment.

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

CITY MANAGER'S REPORT

Mr. Landrum reviewed the capital projects planned for 2018. Lofino Plaza Palooza would be held Thursday, February 8th from 6:00 – 7:30 p.m. City offices would be closed Monday, January 15 in observance of Martin Luther King, Jr. Day. City information was available through our website, Facebook, Twitter and a YouTube channel.

MAYOR'S REPORT

Mayor Stone said they have received a number of compliments for the road department. Pot holes would be popping up, please report those through the website. He welcomed Council Member Rushing and Vice Mayor Garcia to Council.

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COUNCIL TIME

Council Member Upton said he has heard great things from the community regarding the road department. He appreciates their hard work. He welcomed the newest members of Council.

Council Member Vann shared information regarding City of Peace. She was concerned about recycling in Beavercreek and what can be recycled. She serves on the Mental Health Board and said there is training for first responders on how to handle those with mental health issues. She said the reason for the decrease in opiate deaths was because people were using more meth. She welcomed the new council members. She questioned the pedestrian crossing in front of the high school and the lack of cars slowing down.

Council Member Rushing was looking forward to working with the staff and council.

Council Member Litteral was looking forward to working with council and the retreat coming up.

Vice Mayor Garcia was excited to work with everybody.

CITIZEN COMMENTS

Pat Barton, 2109 Wedgewood Drive, Beavercreek, Ohio

Ms. Barton said the citizen input session for medical marijuana was a learning experience and appreciated the presentations. She said they had eight months for council to consider changing the zoning to no cultivation and processing and limit the number of dispensaries to the one that we were likely going to have in the month of March.


Citizen comments was closed.

Mr. Kucera clarified the aggregation and the pool. He said aggregation was for residential and small businesses.

ADJOURNMENT

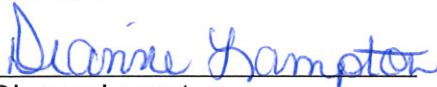
Council Member Litteral MOVED to adjourn the meeting at 7:09 p.m., seconded by Council Member Vann. Motion PASSED by majority voice vote.

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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 blue ink, appearing to read 'Dianne Lampton', written over a horizontal line.

Dianne Lampton
Clerk of Council
Cmin010818