

BEAVERCREEK CITY COUNCIL
REGULAR MEETING July 9, 2018 6:00 p.m.

CALL TO ORDER

Mayor Stone called the meeting to order followed by roll call

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

ABSENT: Council Member Vann

Council Member Rushing MOVED to excuse Council Member Vann, seconded by Council Member Curran. Motion PASSED by majority voice vote.

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

PLEDGE

Council Member Upton led the pledge and a moment of silence.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Council Member Curran MOVED to approve the June 18, 2018 Special Meeting Minutes, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

Council Member Litteral MOVED to approve the June 25, 2018 Regular Meeting Minutes, seconded by Council Member Vann. Motion PASSED by majority voice vote. Upton abstained

PUBLIC HEARING PUD 17-3 SSP #2 Cedarbrook Farm

Clerk Miscisin read an application filed by NVR, Inc., 884 Pleasant Valley Drive, Springboro, OH 45066. The application requests approval of a specific site plan to allow development of 70 single-family residential homes on 25,583 acres of land located at 3240 Shakertown Road further described as Book 6, Page 3, Parcel 63 on the Greene County Property Tax Atlas.

Applicant Presentation

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Steve Lisle, 959 Congress Park Drive, Dayton, Ohio

Mr. Lisle reviewed the location of Cedarbrook Farm which was located off of Shakertown Road. He reviewed an overlay of the property which showed the street pattern and the lots in relation to the flood plain. He also reviewed the Land Use Plan, the connection to Newton Road and improvements to Shakertown Road. He said the homes would be marketed towards those who wish to downsize. He said they feel they have tried to address the residents' concerns regarding the flooding, the traffic flow and springs. He reviewed those issues.

Mark Locke NVR, Inc., 884 Pleasant Valley Drive, Dayton, Ohio

Mr. Locke explained the concept was to gear to an age targeted community building mostly ranch homes. He said the prices would be in the upper \$200,000 to the mid \$400,000 range. The average size of the home would 2,200 square feet and would offer basements where permitted.

Staff Presentation

Mr. Burkett summarized the staff report dated July 3, 2018 stating the applicant approval of a specific site plan to allow for the development of 70 single family residential homes on 28.6 acres. He reviewed the location, surrounding zoning, the proposed site plan, detention ponds, density, sidewalks, green area, lot sizes, buffers, products to be used and other various conditions. Planning Commission and staff recommended approval of this request.

Public Input

Lloyd Cash, 3350 Greenburn Rd, Beavercreek, Ohio

Mr. Cash said it was awful with regards to the density of the houses. He said he didn't think Beavercreek did this. Beavercreek used to have half acre lots. He said it was ridiculous and somebody designed a sardine factory.

Matt Feeser, 755 Newton Drive, Beavercreek, Ohio

Mr. Feeser was concerned of the water drainage. He said there was an obvious issue with the drainage from the detention pond located northwest of the property. He said it was at 845 feet of elevation and the water needed to go to a higher elevation than that. He said the Ballymeade detention pond was at a five foot higher elevation and it was going to feed into the same network of the new detention pond. He said the water would take the path that was least resistant and fill the retention pond up in the corner. He said they said it would be a dry pond but if you get water to flow uphill then he would believe that. He said for all the new council members, when Design Home Developments was here he had presented pictures from ten years ago that showed the water in that area. He said nothing had been improved drainage wise. He asked the council to go back and watch that video to be updated. He said he had worked with John Howlett and

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Dave Beach for two or three years before he had come to council. He said the next issue was traffic and noise but his main concern was the quality of life and the property values of Beavercreek. He said the proposal in front of them had ten homes on 5.4 acres which was reasonable. But then you have 60 homes on 13 acres. He said that was pretty drastic. He said there was ten acres of right-of-way or retention areas. He said no way did this represent Beavercreek. He said it was not just this development, it was all the developments where farmers are selling these plots of land. He said they want to cram as many homes in as possible. If Beavercreek is 80% developed and you want to develop the rest of the 20% at this rate, you're going to increase the population by 50-60%. He said now you have a congested area and high traffic. You would need to build bigger schools and widen roads which would be on the backs of voters. He asked if the age they were targeting if council thought people would want to live in an expensive area. The taxes are high and it would be a densely populated area. He did not feel that was realistic. He said his next concern was the negative commentary he read on the Next Door App regarding Ryan Homes. He said prior to the Planning Commission meeting 21 out of the 46 comments were negative toward Ryan Homes.

Jim Rainey 777 High Oaks Circle gave his three minutes to Matt Feeser.

Mr. Feeser said it was concerning the developer wanted to build 70 homes next to him. He questioned what the long term affect would be. He said if Ryan Homes were poorly made and people were going to let their homes go to crap. He said it should be concerning they want to build this many homes in Beavercreek.

Sandra Hawker 3411 Leawood Drive, Beavercreek, Ohio

Ms. Hawker was concerned about the density. She moved to Beavercreek when she was 14 when there were a lot of farms and all the lots were half acre lots. She never like the high density that had been put in certain places. She had friends who were employees of the school and knew how crowded that schools were getting. She knew this meant there would need to be more schools built or added onto. She asked if the dry pond would have grass or weeds in it and how it would be maintained. She was also concerned about the negative comments with regards to Ryan Homes. She wished to know if Zoning would make sure that the builders do things the way they were supposed to.

Christy Snauffer, 3349 Cross Creek Ct., Beavercreek, Ohio

Ms. Snauffer urged Council not to approve another Ryan Home community. She said the Ryan Home communities keep popping up everywhere. She said right now they are brand new and look nice. She, as a new homeowner, remembered looking at homes and the option to build a new Ryan Home for the same price as an existing 50 year old home. She said a Ryan Home would not hold the resale

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value. She said homeowners want to hold the value of the homes and last. She heard a statistic that a home built today was only supposed to last 50 years. She hoped that the homes being built in Beavercreek would last for 100 years or longer. When going into a Ryan Home, she could see the poor quality. She felt the Ryan Homes built in the early 80s were vastly different than the Ryan Homes built today. She said they were using lower quality materials. She said even if they put these homes on an acre she would still have reservations because of the quality of the home. She did feel this was too dense.

Rita Ryer, 1372 Windsor Drive, Beavercreek, Ohio

Ms. Ryer said when she moved back to the area into Hunters Ridge which was still building she did not think she would have moved into that community. She said it was very compact and the value of her had not increased that much. She said the water issues for the new community should be a very good indicator about the possible risks and costs in the future. The density would only increase the costs of school taxes and municipal costs. She said you have to look at the long term costs. The City may make money in the short term but in the long term are you really going to make money off of the community. She said these are lower value homes and how much in property taxes were you going to get from them.

Harold Lewis, 2434 Townhall, Beavercreek, Ohio

Mr. Lewis said there were 50-60 cars in the morning and evening going into Shakertown Road which does not consider traffic on Newton. He said this would be how they would access North Fairfield Road. He said the traffic count was not 50 or 60, it's a lot of people down from Newton through there down Shakertown and down to North Fairfield Road. He said we would have no idea what that was. He said there were a lot of curves on these streets. There are more and more people parking on the streets and it's dangerous. He said there would be a lot of kids trying to cross the street with the cars parked on it. He did a little research on homeowner associations and he did not know if other plats had city mandated homeowner associations or not. He asked how they worked. He said a homeowner association was only as good as the members of that community to be on it otherwise it was useless. He said why even have it. It was something else that the city was putting out there that can't and won't enforce. He asked if the city staff would be going to those meetings.

Bonnie Pittl, 3149 Southfield, Beavercreek, Ohio

Ms. Pittl said she had been reading about this and needed to say something about it. She was a lifelong member of this community as were her parents. She said we were better than this. This density was crazy. She said we didn't need it and the schools would suffer. She hoped the city was working with the schools and knew what was coming.

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Dan Long, 788 Longview Road, Beavercreek, Ohio

Mr. Long expressed his concern about the traffic. He said there were no sidewalks or curves on Newton. The kids that rides bikes, wait for the bus and people walking dogs in the evening were concerning with the added traffic. He questioned if speed tables and turn arounds were a consideration for this project.

Public input was closed.

Council Input

Council asked staff to address the issues.

Mr. Moorman addressed the detention plans. He said the planned two detention basins were still in the preliminary stage stating there were a couple grades that needed to be changed. He explained the flows coming off the site after development were far less than they were. He said it was only going to help as far as reducing the peak flows. He said it's not going to clear up all the issues in the east but it would certainly improve them. Mayor Stone questioned Mr. Moorman if he was comfortable with the calculations by the applicant as far as the actual reduction and rate of flow which was not the amount of flow. Mr. Moorman replied they designed around the peak discharges which was what causes flooding and other things to happen.

Vice Mayor Garcia questioned how the dry pond would look aesthetically. Mr. Moorman said it would a concrete channel from the inflow to the outflow.

Mayor Stone addressed the homeowner association stating his plat has one and its purpose was to maintain the water detention area within his community. He said there were a lot of communities that were setup this way. He said there were some that did not do the job they should but it was a legal process the city has to do to make sure it was enforced.

Council Member Litteral was concerned about the smaller sites with the amount of homes proposed in this project. She questioned the types of trees versus the sidewalks. Mr. Burkett said the trees would be planted back up into the yard and the roots would not be surrounded by concrete. Council Member Litteral questioned who would be responsible for the aerators in the ponds. Mr. Burkett replied the homeowners association.

Council Member Rushing said there was some confusion with the zoning versus the site plan and what council could do. He asked for a brief description of the process. Mr. Burkett said they start with the Land Use Plan and how this project

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was envisioned with regards to the Land Use Plan. He said this project was envisioned as a low density residential neighborhood with three dwelling units per acre. He said this was the basis to come up with the criteria of lot sizes in terms of widths and density requirements that fall within the Land Use Plan. He said the proposed zoning is taken through the Planning Commission with recommendations to Council. He said the site plan was more of the finite details and ensures those layouts do not conflict with what the zoning has established. He said this phase was what was being analyzed against the zoning of what was allowed and not allowed. Council Member Rushing said there were concerns with traffic and at north end of Newton there was a proposed speed table be added. Mr. Burkett said there was a condition added by the Planning Commission that a speed table be added. He said the reason there were no speed tables added in the traffic circles was because the new design of the streets was not a straight shot. Council Member Rushing questioned if sidewalk bump outs would work for this development like those in Wagner Trace to discourage excessive speed. Mr. Lisle explained the 90 degree intersections would slow traffic enough to not warrant any additional traffic calming measures. Bump outs also produce additional maintenance issues with snow plows.

Vice Mayor Garcia appreciated the new layout. She asked staff if this was rezoned to make this a single family housing development. Mr. Burkett replied yes. Vice Mayor Garcia asked when the last time a high density development like this was approved. Mr. Burkett replied in 2004, Wagner Trace.

Council Member Curran understood there could be 85 units in this project and the last project was 59 proposed by Custom Homes. He asked if the developer would consider reducing the density to 60 homes. Mr. Lisle said Design Homes had about five acres of assisted living. He said the density of the 59 units was denser at 2.55 units per acre and this project was 2.45 units per acre. He said the minimum lot width per zoning was 60 feet and theirs was 66 feet. He said they feel they have tried to address the concerns and still make it work for the product. Council Member Curran questioned the access roads and if they could cut off Newton. Mr. McGrath explained it was a city mandated guideline adopted by Ordinance within the Land Use Plan. Council Member Curran disagreed with this. Mr. McGrath explained the idea of connecting neighborhoods was to disperse traffic from a concentration on a major thoroughfare.

Mayor Stone asked the developer the ratio of ranch versus two story homes. Mr. Locke said there could be two-story homes in the development but it would be marketed as a ranch home community. He estimated there would be less than 5% of two-story homes built. Mr. Burkett said in the motion there was condition #12 dealing with the designs of the homes. It was suggested to remove the word

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"generally" from the condition. Mayor Stone said he did not want to see two-story homes in this community. He said there was a need for the smaller home. He suggested the homes be 50% masonry on all the walls. Mr. Locke explained the cottage style product they were offering and this design was not one you did with masonry. Mayor Stone said it was the back of homes in particular that he was concerned about. Mr. Locke said the back of the ranch homes was broken up by the windows and doors. He said he was trying to maintain the architectural design of the home. Mayor Stone asked for some character to the rear of the house. Mayor Stone asked if they would consider a condition to have an accent on the rear of the home. Mr. Locke said he would be open to that. Mr. Locke also suggested a condition that no more than 5% of the homes be two-story. It was suggested to limit four two-story homes.

Council Member Curran MOVED to add condition 22 that there shall be no more than four two-story dwelling units, seconded by Council Member Upton. Motion PASSED by majority voice vote.

Council Member Upton MOVED to add condition 23 to require accent treatments above to rear windows and doors, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

Council Member Upton MOVED to remove the word "generally" from condition 12, seconded by Council Member Rushing. Motion PASSED by majority voice vote.

Motion

Vice Mayor Garcia MOVED, for the purpose of taking administrative action, approval of a Specific Site Plan for Cedarbrook Flower Farm, 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 and landscape plans shall be the plans dated "Received June 1, 2018" except as modified herein.
2. Hours of construction for any grading and exterior work associated with this development shall be limited to Monday through Saturday from 7 a.m. to 7 p.m.

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3. Construction traffic shall not be permitted on the existing portion of Newton Drive.
4. Prior to issuance of any zoning permits for the project, the applicant shall submit a subdivision record plat for City approval.
5. Prior to the release of the subdivision for recording, the applicant shall sign a Subdivider's Contract on forms provided by the City and provide a bond or letter of credit for the required public improvements.
6. Prior to the release of the subdivision, the applicant shall submit a copy of the covenants, restrictions, and Homeowner's Association documents to the City of Beavercreek for this subdivision, which shall, among other items, provide provisions for maintenance and landscaping of common areas, including the maintenance of communal mail facilities and the stormwater ponds. The covenants, restrictions and Homeowner's Association documents, shall be reviewed and approved by the City Attorney and be recorded with Greene County along with the subdivision for the development.
7. All concerns of the Beavercreek Fire Department and Sanitary Engineer must be addressed prior to the release of a record plat. All concerns of the City Engineer, including but not limited to road improvements, land dedication, grading, stormwater management, and erosion control must be addressed prior to the release of the record plat.
8. A PUD Agreement, acceptable to the City, must be signed by the owner and a bond or letter of credit must be submitted prior to issuance of the required subdivision 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.
9. Perpetual maintenance of landscaping planted in all common areas shall be provided and any dead or diseased materials shall be removed and replaced by the Homeowner's Association with similar types, species and sizes as originally planted within three months of their removal, weather permitting.
10. There shall be one tree provided for each individual buildable lot, which shall be planted between the sidewalk and the front of the house. These trees shall be maintained by the respective property owner, and replaced if dead or dying.

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11. Final landscape plans are subject to final review and approval by the Planning Department prior to the release of a record plat for recording.
12. The approved homes constructed within this development shall be consistent with the example homes shown in the attached Exhibit A, pages 1 thru 6. If needed any disagreement between the Planning Department and the home builder as to what is considered "generally consistent" shall be decided by the Planning Commission.
13. The homes constructed with this development must consist of brick, stone, Hardie plank/cement board siding, and/or acrylic siding on all four sides of the building. The use of metal or vinyl sidings, including aluminum siding shall not be permitted except on fascia and soffit areas.
14. Entrance signs and the landscape plans for the entry features shall be approved by the Planning Department staff prior to any zoning permits being issued for the signs. The maximum height for the entry sign face shall be five feet in height, and the base of the sign shall be constructed of a brick or stone base. Temporary sales and lot designation signage shall be similar in size and design as the signs shown in Exhibit B pages 1 thru 5 except as described below. The final location of the temporary signage shall be reviewed and approved by the Planning Department prior to the release of a permit for those signs. The maximum size of the sign shall be 4-foot by 8-foot, and shall not be taller than 6 feet in height. The overall height of the sign shall not exceed 8 feet. The sign permit shall be renewed every two years up until all the lots are sold.
15. Aeration and water circulation devices and/or fountains are required to be installed in any retention pond and shall be maintained by the Homeowners Association in perpetuity.
16. Any existing wells on the site that will be closed off shall be closed under appropriate ODNR methods.
17. The final design and placement of any common mailbox(es) shall be reviewed and approved by the Planning Department prior to their placement.
18. One photoelectric light fixture shall be required for every lot with a residential structure. 2. The developer to pay for the installation of appropriate street lights at intersection of Shakertown Road and Dewmar Drive.

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19. The trees and vegetation within the Fairbrook Elementary Tributary shall not be removed or cut, without prior permission from the Planning Department.
20. The applicant shall improve Shakertown Road along the frontage of the development as required by the City of Beavercreek thoroughfare plan and as directed by the City Engineer. The applicant may submit a special assessment petition to Beavercreek City Council requesting these improvements be constructed by the City, with the improvement costs to be assessed.
21. There shall be a speed table constructed on Newton Drive near the point where new Newton Drive meets the existing.
22. There shall be no more than four (4) two-story dwelling units.
23. The homes shall have accent treatments above the rear windows and doors.

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

ORDINANCES, RESOLUTION AND PUDS

Ordinance 18-09 Charter Amendments to Sections 4.07 and 44.03 (Third Reading)

Clerk Miscisin read an Ordinance providing for the submission to the electorate amendments of the Charter of the City of Beavercreek, Ohio, and to place the same on the ballot at the general election, November 6, 2018.

Mr. McHugh reviewed the two changes to the charter. The first was to reduce the number of signatures and the second was to eliminate the requirement if there are less than two years of the vacancy to run for the position in the general election of that year.

Mayor Stone said he was generally in favor of putting things on the ballot for people to vote on. He said both of these were well intended however there would be a charter review next year which occurs every five year. He was also having second thoughts of reducing the number of signatures required to get on the ballot. Things should not be so easy and should earn what you want to do.

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Council Member Upton respectfully disagreed. He said the county and state requirements are less. He said this was easier ballot access to residents who have not been in the political arena before but were willing to step up.

Council Member Upton MOVED to approve Ordinance 18-09 as an emergency, seconded by Council Member Litteral. Motion FAILED by a roll call vote of 4-2. (Against Rushing, Stone)

Mayor Stone passed the gavel to Vice Mayor Garcia.

Mayor Stone MOVED to reconsider Ordinance 18-09, seconded by Council Member Rushing. Motion PASSED by a roll call vote of 6-0.

Council Member Upton said they've had multiple discussions. He said it failed previously to get to the ballot just because of the timing. He said we should give the community the opportunity to vote on how they would like vote on council members starting in 2019 and also clean up some language to keep future elections in odd years.

Council Member Upton MOVED to approved Ordinance 18-09, seconded by Council Member Rushing. Motion PASSED by a roll call vote of 6-0.

Ordinance 18-12 Bond Issuance for Traditions of Beaver creek (Second Reading)
Clerk Miscisin read an Ordinance providing for the issuance of not to exceed \$350,000 road improvement special assessment bonds (Traditions at Beaver creek Project) by the City of Beaver creek, Ohio.

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

This Ordinance will move automatically to the Third Reading.

Ordinance 18-14 Additional Appropriations

Clerk Miscisin read an Ordinance to approve supplemental appropriations and certify additional revenue for the fiscal year beginning January 1, 2018 and ending December 31, 2018 and to amend Ordinances 17-34, 18-02, 18-04 and 18-10.

Mr. Kucera discussed the general fund transfer from the due to due to the golf fund. He said the Youth Activities Fund needed to be appropriated for activities of the Beaver creek Youth Council.

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Council Member Rushing commented to encourage to find other funds for their activities. Mr. Kucera said they have their own bank account and have fundraisers. These funds were from donations of marriage funds from a previous mayor.

Council Member Litteral MOVED to approve Ordinance 18-14, seconded by Vice Mayor Garcia. Motion PASSED by a roll call vote of 6-0.

Resolution 18-27 Approval of 2019 Tax Budget

Clerk Miscisin read a Resolution approving proposed amounts for inclusion in the 2019 Tax Budget for submission to the Greene County Auditor.

Ms. Hathaway explained the tax budget prepared in compliance with the ORC. She said the tax budget shows estimated revenues generated by the City's current voted and non-voted tax levies that are needed to maintain City services. The process starts by determining the estimated cost of maintaining current levels of service and contains updated estimated revenues, expenditures and fund balances for each of the City's operating, capital, and trust funds. Adjustments are made for required inflationary factors, contractual obligations and capital requests. The revenues generated from property tax levies are estimated by the County Auditor and must be used in the Tax Budget and all other revenues are based on current and historic trends. At this stage it's typical for the Tax Budget to reflect reductions in fund balances. Council will be provided a balanced budget in November reflecting minimum fund balance requirements. She said starting in August estimates will be refined bringing expenditures in line with the available resources. Each department and division will review their budget and make all necessary adjustments. The revised budgets will be reviewed with Council and finalized for adoption in December. She said the tax budget proves the City's needs exceeds resources and all current taxes and levies are necessary. The tax budget as presented shows several reductions in fund balances and will be addressed during the budget process. Budget hearings with the County Auditor will be set for a future date. The final 2019 budget will be within the fund balance guidelines as established by Council.

Council Member Curran MOVED to approve Resolution 18-27, seconded by Council Member Rushing. Motion PASSED by a roll call vote of 6-0.

Resolution 18-28 Moratorium for Medical Marijuana

Clerk Miscisin read a Resolution by the Beaver Creek City Council imposing a moratorium through December 31, 2018 on the issuance and processing any permits allowing dispensaries, cultivators or processors of medical marijuana within the City of Beaver Creek, Ohio and excluding any pending application for cultivators, processors or dispensaries.

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Mayor Stone said the current moratorium expires July 22nd and in order for staff to have adequate time to prepare new zoning there was a need to extend the moratorium or let it expire.

Council Member Litteral MOVED to approve Resolution 18-28, seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

Resolution 18-29 Ohio Public Works Commission (OPWC) funding Application
Clerk Miscisin 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 capital improvement projects 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 would be accepting new grant applications for roadway projects. He said they were recommending submitting an application for the Kemp Road Widening Project between Grange Hall Road and Meadow Court Drive. He explained they had already received federal funding for this project and if successful this would help to further reduce the cost of the project.

Council Member Upton asked where the city's share was planned in the budget. Mr. Moorman explained it was in the five year capital plan.

Council Member Litteral MOVED to approve Resolution 18-29, seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

Resolution 18-30 Factory Road Widening Project LPA Agreement
Clerk Miscisin read a Resolution authorizing the City Manager to enter into a LPA Federal Project Agreement with the Ohio Department of Transportation for the project known as the Factory Road Widening Project, PID No. 106219.

Mr. Moorman said the city had applied for funding to improve a portion of Factory Road from the entrance of Nutter Park to Creekside Trail. The application was approved by MVRPC for approximately \$577,000 towards the construction of

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those improvements. He said they were at the point to enter into an agreement with ODOT that would define the administration of the funding for the project.

Council Member Curran MOVED to approve Resolution 18-30, seconded by Council Member Upton. Motion PASSED by majority voice vote.

Ordinance 18-15 Supplement to the Codes of Ordinances S-32 (Emergency)
Clerk Miscisin read an Ordinance enacting and adopting a supplement to the Code of Ordinances for the City of Beaver Creek and declaring an emergency.

Clerk Miscisin explained all ordinances previously adopted were required to be codified which also allows updates to the Ohio Revised Code be adopted by Council. She said it is done as an emergency to allow the update to go into effect immediately

Council Member Curran MOVED to approve Ordinance 18-15 as an emergency, seconded by Council Member Litteral. Motion PASSED by a roll call vote of 6-0.

DECISION ITEMS

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

Clerk Miscisin 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 Upton MOVED to appoint Dianne Miscisin, 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 Garcia. Motion PASSED by majority voice vote.

MAYOR'S REPORT

Mayor Stone thanked the 4th of July committee for a grant event and to UES for sponsoring the fireworks. He said last weekend they was a Red White and Brew at the mall to raise money for Fisher House. Party on the Patio would be held at the golf course.

COUNCIL TIME

Council Member Upton thanked the 4th of July committee and the police officers who were on duty.

Vice Mayor Garcia reviewed the employee anniversaries. Congratulations to everyone.

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Council Member Rushing thanked the staff for the great 4th of July event.

Council Member Litteral said the 4th of July committee did a great job. She gave a shout out to those who created the floats.

CITY MANAGER'S REPORT

Mr. Landrum gave an update on the Dayton-Xenia Road Widening. The County Line Road Widening Open House would be held at the Kettering Senior Center on Wednesday, July 18th from 6:00 p.m. – 7:30 p.m. Party in the Park will be held at E.J. Nutter Park on Friday, July 13th at 5:30 p.m.

CITIZEN COMMENTS

Susan Rawlins, 405 Tanglewood Drive, Beavercreek, Ohio

Ms. Rawlins said her father-in-law lived three house down from the proposed facility. She had concerns of the location of the facility next to the residence. She was concerned about the property value but mostly about the parking and traffic. She said people would have to park down the street. She said turning left from Indian Ripple onto Tonawanda was very difficult.

Denise Shirk, 3020 Thames Lane, Beavercreek, Ohio gave her three minutes to Susan Rawlins.

She said this facility would grow and thought they could have rented a better place or built a place in a better location with better accessibility. She said this was all new to Ohio and we don't know what crime may be associated to this.

Christy Snauffer, 3349 Cross Creek Ct., Beavercreek, Ohio

Ms. Snauffer said she didn't want the marijuana. She asked how to go about to changing the zoning code to prevent the neighborhoods coming in. Mayor Stone directed her to speak with Mr. McGrath.

Rita Ryer, 1372 Windsor Drive, Beavercreek, Ohio

Ms. Ryer said the moratorium was just kicking it down the road just so you can pass it at some point and time just like the zoning code for the housing. She would like to see the moratorium more of a permanent than a temporary fix. She said on June 20th on NPR they had a ten minute discussion on Mapping Out Recreational Marijuana. She said Pueblo, CO was having problems with hangouts, hospitalization, human cartels, and police activity has increased. She said the plant was not the same plant as in the 60s. On June 29th Fox News had concerns on marijuana addiction, increased potency, behavioral changes, and costs to the communities.

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Dave Ryer 1372 Windsor Drive, Beavercreek, Ohio gave his three minutes to Rita Ryer

Ms. Rye felt like City Council was making rules and grandfathering things in. She said there was no excuse for people to not be informed. She said this was the first time she's been to this meeting. She said we all have a life and Council was not getting the word out.

Citizen Comments was closed.

Council Member Upton MOVED to enter into Executive Session at 8:21 p.m. pursuant to Section 121.22 of the Ohio Revised Code, for the purpose of the purchase of property for public purposes, seconded by Council Member Litteral. Motion PASSED by roll call vote of 6-0.

Vice Mayor Garcia MOVED to adjourn executive session at 8:45 p.m., seconded by Council Member Rushing. Motion PASSED by roll call vote of 6-0.

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

ADJOURNMENT

Vice Mayor Garcia MOVED to adjourn the meeting at 8:46 p.m., seconded by Council Member Litteral. Motion PASSED by majority voice vote.



Bob Stone, Mayor

ATTEST:



Dianne Miscisin
Clerk of Council

July 9, 2018

Cmin070918