

BEAVERCREEK CITY COUNCIL
REGULAR MEETING August 27, 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, Council Member Vann, Vice Mayor Garcia, Mayor Stone

ABSENT: None

ALSO IN ATTENDANCE: Amy Blankenship, Legal Counsel; Randy Burkett, City Planner; Bill Kucera, Financial Administrative Services Director; Pete Landrum, City Manager; Jeff McGrath, Planning and Development Director; Dianne Miscisin, Clerk of Council, Scott Molnar, Beaver Creek Police Captain; Sandra Pereira, Associate Planner

PLEDGE

Vice Mayor Garcia led the pledge and a prayer.

APPROVAL OF AGENDA

Council Member Upton MOVED to approve the agenda, seconded by Council Member Curran.

APPROVAL OF MINUTES

Council Member Litteral MOVED to approve the July 9, 2018 Work Session Minutes, seconded by Council Member Upton. Vann abstained.

Council Member Litteral MOVED to approve the July 9, 2018 Regular Meeting Minutes, seconded by Vice Mayor Garcia. Vann abstained.

Council Member Curran MOVED to approve the July 16, 2018 Joint Work Session with Beaver Creek City Schools Minutes, seconded by Council Member Litteral.

Council Member Litteral MOVED to approve the July 27, 2018 Regular Meeting Minutes, seconded by Council Member Curran.

PRE-SCHEDULED PRESENTERS

Auditor of State Award with Distinction, Joseph Braden

Mr. Braden was honored to be before Council again. He explained they audit approximately 5,900 entities and less than 3-5% each year are eligible for this award. The State of Auditor Award with Distinction is presented to local governments and school districts that meet the criteria of a clean audit report. He

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recognized Bill Kucera and staff for his fiscal integrity. Mr. Braden presented the award to Mayor Stone and Mr. Kucera.

PUBLIC HEARING – PUD 6-80 MOD 7/18 Major Flying Ace Car Wash
Clerk Miscisin read an application filed by Flying Ace Care Wash, 13375 National Road SW – Suite D., Reynoldsburg, OH 43068. The application requests a major modification for 0.8470 acres of land to allow for the construction of a car wash located at 3200 Seajay Drive further described as Book 5, Page 7, Parcel 52 on the Greene County Property Tax Atlas.

Applicant Presentation

Jeff Gilger, 13375 National Road SW – Suite D, Reynoldsburg, OH 43068
Mr. Gilger said he was looking forward to breaking ground this year and washing cars before the end of the year. He said they currently had 16 locations within the Columbus/Dayton area.

Staff Presentation

Mr. Burkett summarized the staff report dated August 22, 2018 stating the applicant was requesting a major modification to the existing site plan to allow for the construction of a car wash on approximately 0.85 acres. He reviewed the surrounding zoning, site plan, access points, parking, stacking, building materials and signage, There were 14 conditions and both staff and Planning Commission recommended approval.

Public Input

Don Rogers 1112 Grove Hill Drive, Beavercreek, Ohio
Mr. Rogers wanted to know what the B2 zoning was across the street. Mr. Burkett explained it was a church. He also questioned where the water supply would be coming from. The water would be coming from the county water system.

The Public Hearing was closed.

Council Input

Council Member Upton questioned condition 14 as to what a raceway was. Mr. Burkett explained it was a block that matched the color of the building to attach the letter signage to.

Council Member Vann appreciated the artwork. She hoped the aesthetics of the building would remain good 15 years from now as this was the gateway into Beavercreek. Mr. Gilger said some locations in Columbus were ten years old and they were upgrading the vacuums. He said you can't sell clean unless you are clean.

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Council Member Rushing thanked the applicant for reinvesting. He questioned staff how wide the entrance at the Indian Ripple and County. Mr. Burkett said it was the standard 26 feet. Council Member Rushing said trucks have an issue making the turn.

Council Member Litteral asked if there was any leeway at the entrance because of the larger vehicles. Mr. Burkett said they could look at making it wider.

Mayor Stone asked staff to look at the entrance to make wider. He said with no markings people do not get over. He suggested to maybe add another two feet.

Motion

Council Member Upton MOVED, for the purpose of taking administrative action, approval of a PUD Major Modification for Flying Ace Car Wash, PUD 6-80 MOD 7/18, on the basis that City Council finds the facts submitted with the application and accompanying materials, and modifications, amendments and supplementary conditions satisfy the standards and criteria for a PUD Major Modification as per §158.070 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 plans shall be the plans dated “Received July 24, 2018 except as modified herein.
2. The approved architectural plans shall be the plans dated “Received July 06, 2018 except as modified herein.
3. All building mechanical equipment is to be completely screened from all directions with architectural features (roof forms or parapet walls) on each building. Metal screening will not be accepted. Pad mounted equipment must be screened with landscaping and/or masonry walls and shall not be visible to the public. The final screening design and materials shall be reviewed and approved by the Planning Department, prior to the release of a zoning permit for the project.
4. A PUD Agreement must be signed by the owner and a bond or letter of credit for the site landscaping must be submitted prior to issuance of a zoning permit for any portion of the project for the purpose, but not for the sole purpose, of insuring the installation of landscaping.

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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 location of the dumpster shall be reviewed and approved by the Planning and Zoning Department prior to the issuance of a 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 including the storm drainage facilities. The City reserves the right to require more frequent collection as necessary.
8. Any portion of the site disturbed by grading or by the removal of former structures and/or pervious surfaces and on which no construction occurs within three months after completion of the site grading, shall be planted with appropriate ground cover and properly maintained.
9. 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. The applicant shall work with the City Engineer to dedicate the correct amount of right of way to ensure that the sidewalk is within City right of way, unless otherwise approved by the City Engineer.
10. All man-doors and service doors shall be painted to match the color of the building as to blend in with the proposed facade.
11. The proposed light fixtures within the development shall be reviewed and approved by the Planning Department prior to the release of the record plan for recording. The fixtures shall be consistent with the fixtures used throughout the rest of the College Park development.

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12. Downspouts shall be painted to match the adjacent architectural materials.
13. There shall be a maximum of one ground sign for this project. The ground sign, which shall include a minimum 1-foot tall, brick and/or stone base and wrap, shall be a maximum of 5 feet tall and have a maximum 32 square feet per sign face. The final design and location shall be subject to review and approval by the Planning Department prior to release of a permit for the sign. Any ground sign shall be set in a base that shall be constructed of the same brick as used to construct the principal structure.
14. All wall signs shall be individually mounted channel letters or panels. No raceways shall be permitted. The sizes of the signs shall be limited to the sizes shown on the respective approved architectural elevations. The final design and location shall be reviewed and approved by the Planning Department prior to the release of the sign permit.

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

RESOLUTION AND PUDS

Ordinance 18-16 Additional Appropriations (Single Reading)

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, 18-10 and 18-14.

Mr. Kucera explained the public service time keeping system that was being purchased. He said they combined the needs of Public Service and Planning and Development. They needed to reallocate the costs amongst the departments who would be utilizing the software.

Council Member Vann MOVED to approve Ordinance 18-16, seconded by Council Member Curran. Motion PASSED by a roll call vote of 7-0.

Ordinance 18-17 Impact Fee (First Reading)

Clerk Miscisin read an Ordinance 18-17 amending Ordinance Nos. 93-62, No. 95-66, No. 96-16 and No. 97-72, The Beaver Creek Traffic Improvement District Ordinance, by amending the transportation system improvement fee schedule for District No. 1, amending the fee per trip schedule for District No. 1, amending certain other provisions of same Ordinance.

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Mr. Moorman summarized history of the Impact Fee which had been around since 1993. He said there have been three updates to the Impact Fee Ordinance with the last one being in 1997. He said this fee has been collected since 1993 which help finance capacity improvements throughout the district. He reviewed where the Impact Fee District was which was not changing. He said these funds are only to be used to improve capacity and are not allowed to be used for maintenance. He explained the need for the update was due to increased costs. The traffic study also needed to be updated since the last study was completed in 1993. He reviewed the Traffic Study Updates and recommended improvements. He also reviewed the proposed fees and how they were derived.

Council Member Upton said they've had many discussions about this. Beaver creek was the only city in the state who has an impact fee so they can't compare this to anything else. He questioned if there was a way to make up some of the differences. He felt it was a little much.

Council Member Curran said Beaver creek was one of the few who do not have an income tax.

Council Member Vann said in Illinois and other states this is common practice. She said the reason the Impact Fee was implemented initially was because there was a lot of infrastructure improvements required for huge developments. She said the homeowner south of U.S. 35 would be paying for part of those improvements. The Impact District was defined so that the developer would share the costs of those capital improvements in that district. She thought staff could research where impact fees were used in the United States. She said they have to figure out the balance to make it fair for the rest of the residents.

Council Member Upton was not opposed what was in place today. He was questioning the rates.

Mayor Stone said this also was to protect the investor.

Council Member Litteral agreed with getting a little history. She was concerned about economic development.

Mr. Landrum said the study was based on the types of offices, number of trips based on the type of office and the cost based on each trip. This was how the fees were derived.

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Council Member Curran MOVED to approve Ordinance 18-17 and move to the second and third readings, seconded by Council Member Vann. Motion PASSED by majority voice vote. (Opposed – Upton)

Resolution 18-34 Greene County Auditor to Enter the Cost of Noxious Weeds and Grass Cuttings on the Tax Duplicate

Clerk Miscisin read a Resolution directing the Greene County Auditor to enter the cost of noxious weeds and grass cuttings on the tax duplicate for the properties described in Exhibit "A".

Mr. Kucera explained this was the annual assessment for those not in compliance with the city ordinances. He reviewed the process of the city assessment. He said the deadline to submit this information for the 2019 tax duplicate was September 10th. He explained since the inception of the vacant and foreclosed property registry, the number of violations had reduced by half.

Council Member Curran MOVED to approve Resolution 18-34, seconded by Council Member Upton. Motion PASSED by majority voice vote.

Resolution 18-35 Authorize Agreement with Ohio Department of Transportation (ODOT) Municipal League Local Government Support

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 Grange Hall Road Widening Project, PID No. 106222.

Mr. Moorman explained the grant application for improvements along Grange Hall Road between Kemp Road and Summerfield Road was approved by the Miami Valley Regional Planning Commission (MVRPC). The amount of the grant was \$2.247 million. He said they have done preliminary programming with ODOT for the project and it was now time to enter into an agreement with ODOT for the administration of the project. He said the proposed project would widen the road to three lanes with curb, gutter, sidepath along the west side and sidewalk along the east side.

Council Member Curran questioned what the cost to the department to comply with all the regulations. Mr. Moorman said there were some additional costs because of the federal rules the need to be followed. He said there would need to be an environmental study during the design phase and the few extra steps required when acquiring right-of-way. He could not give an exact cost.

Council Member Litteral MOVED to approve Resolution 18-35, seconded by Council Member Vann. Motion PASSED by majority voice vote.

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Resolution 18-36 Ohio Municipal League Local Government Support

Clerk Miscisin read a Resolution strongly urging the Ohio Governor and members of the Ohio General Assembly to invest the State Budget surplus in municipalities.

Mr. Kucera explained the Ohio Municipal League (OML) sent out a legislative bulletin that highlighted the State was going to have a projected surplus of \$147 million this year. He said the states plan to spend the money was to spend half of it on reducing the state income tax withholding and place the other half in their rainy day fund. The OML suggested the municipalities urge the governor to reinvest that money into municipal local services, infrastructure and public safety services. This resolution and letter would be sent to the Governor and local state representatives. He said since 2012 with the reduction of tangible personal property tax, reduction in the local government fund and the elimination of the estate tax, the city has lost an estimated \$7.2 million or \$1.2 million per year.

Council Member Upton asked if Mr. Kucera knew how much was in the State's rainy day fund. Mr. Kucera was not sure. Council Member Upton suggested to send separate letters to all the representatives instead of just a cc to the state representatives.

Council Member Litteral MOVED to approve Resolution 18-36, seconded by Council Member Upton. Motion PASSED by majority voice vote.

Resolution 18-37 Approving and Authorization Memorandum of Understanding (MOU) of CWA Local 4322

Clerk Miscisin read a Resolution authorizing the City Manager to execute a memorandum of understanding (MOU) reflecting changes to Article 1 (Bargaining Unit Recognition), Article 19 (Workday/Work Week/Overtime) and the listing of job classifications by pay grade of the collective bargaining agreement with the Communications Workers of America/AFL-CIO #4322.

Mr. Kucera said the City and the union had just entered into another agreement through 2020. He said since that time the Planning and Zoning Department was renamed to the Planning and Development Department. He said there was also a retirement in that department which resulted in the consolidation of two positions into one. He said these changes had to be discussed with the union and agreed upon. To update the agreement mid-term a Memorandum of Understanding (MOU) needed to be approved. The CWA had agreed to the changes and had already approved the MOU. This legislation authorizes the City Manager to approve the MOU.

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Council Member Curran MOVED to approve Resolution 18-37, seconded by Council Member Vann. Motion PASSED by majority voice vote.

LIQUOR PERMITS

VPC Beaver creek Pizza LLC DBA Giordanos (New) (New)

Captain Molnar said the Ohio Division of Liquor Control sent police notification referencing a new D1, D2, D3 and D6 liquor permit for VPC Beaver creek Pizza LLC., DBA Giordanos, 2819 Centre Dr., Beaver creek, OH 45432. The records checks required by the Ohio Department of Commerce – Division of Liquor Control were conducted on the business officers/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 Vice Mayor Garcia. Motion PASSED by majority voice vote.

DECISION ITEMS

Accepting of Second Quarter 2018 Financial Summary

Mr. Landrum said the summary was sent to council a few weeks ago for review. Mr. Kucera highlighted a few items in the summary.

Council Member Vann MOVED to accept the 2nd Quarter 2018 Financial Summary, seconded by Council Member Upton. Motion PASSED by majority voice vote.

MAYOR'S REPORT

Mayor Stone thanked the Beaver creek Schools for the beautification at Hanes Road and Dayton-Xenia Road. Mela Day, which is the Indian New Year was held a few weeks ago. He was a contestant in a pottery challenge at Decoy Art to raise money for local charities. Last Friday was the final Party on the Patio at the Golf Course. Congratulations to Dianne Miscisin being appointed to the OMCA Board.

COUNCIL TIME

Council Member Litteral said the Art Fest would be held September 16th at Beaver creek Community Park. She attended the truck event at City Bar-B-Que. Creek Safe was raising money to provide additional safety measures for our schools. She suggested to invite them to make a presentation at a future meeting.

Council Member Rushing thanked the Dayton Development Coalition who hosted a congressional reception in Beaver creek with Senator Brown and Congressman Turner. He thanked the Beaver creek Schools for inviting council to their opening day. The 18th Backyard Battle football game against Xenia was a great kickoff to Friday night lights,

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Council Member Vann gave a shout out to Beaver Creek Community Theatre who received a medallion of excellence at the 15th Annual Day Tony Awards, She thanked staff for their presentations at the council advance a few weeks ago. She passed out booklets regarding City of Peace which she wanted to work towards. Council Member Upton thanked the members of the Indian-American community who held an appreciation event for our Police and Fire Departments.

Council Member Curran attended Dayton Chamber of Commerce Meet the Candidates event.

Vice Mayor Garcia attended the hog herding contest at the Greene County Fairgrounds,

CITY MANAGER'S REPORT

Mr. Landrum said the Popcorn Festival was on September 8th and 9th. The Beaver Creek Fraternal Order of Police and Beaver Creek Professional Firefighters would have a moment of silence on September 11th at 8:46 a.m. The Parks Master Plan Public Forum on September 19th from 6:00p.m – 8:00 p.m. at Lofino Plaza. There would be a Rotary Park Playground Community Build on September 22nd at 9:00 a.m.

CITIZEN COMMENTS

Anjali Brannon, 2481 Christalee Drive, Beaver Creek, Ohio

Ms. Brannon wanted to show her support for Beaver Creek as a City of Peace. Her reasons for the support was it would help our children by teaching them to have peace within themselves and their classmates, be raised as better citizens and create a better world. She said Heartfulness Institute can teach the teachers with relaxation techniques that could be brought into the class which would be welcoming to all. The third reason was to serve as an example as a beacon of light standing amongst all the international cities around the world.

Uma Mullapudi, 244 Shelford Way, Beaver Creek, Ohio

Ms. Mullapudi heard the City of Beaver Creek was being proposed to be a City of Peace. She said they have been offering relaxation and meditation techniques to Beaver Creek free of charge. She said this would make the City aware of the importance of peace within our community. Once we have peace we can live better lives.

Citizen Comments was closed.

ADJOURNMENT

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Council Member Curran MOVED to adjourn the meeting at 7:41 p.m., seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.



Bob Stone, Mayor

ATTEST:



Dianne Miscisin
Dianne Miscisin
Clerk of Council
Cmin082718