

BEAVERCREEK CITY COUNCIL  
REGULAR MEETING September 10, 2018 6:00 p.m.

PROCLAMATIONS

◆ International Day of Peace

**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: 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; Jeff Moorman, City Engineer; Mike Thonnerieux, Public Administrative Services Director

**PLEDGE**

Council Member Litteral led the pledge and a prayer.

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

Council Member Upton MOVED to approve the August 18, 2018 Council/Management Engagement Meeting Minutes, seconded by Council Member Curran. Motion PASSED by majority voice vote. (Litteral abstained)

Council Member Litteral MOVED to approve the August 20, 2018 Joint Work Session with Beaver Creek Township, seconded by Council Member Rushing. Motion PASSED by majority voice vote. (Garcia abstained)

Council Member Litteral MOVED to approve the August 20, 2018 Work Session, seconded by Council Member Upton. Motion PASSED by majority voice vote. (Garcia abstained)

**PRE-SCHEDULED PRESENTERS**

**Marty Heide, Congressman Mike Turner's Office**



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Ms. Heide stressed the importance of communication between the people within the district and Congressman Turner's office on issues that have a federal impact. She talked about the Fostering Stable Housing Opportunities Act which Congressman Turner introduced. She said this was a spark from the district where foster kids were put into foster care and when they age out at the age of 17 or 18, they have nowhere to go. She said they become homeless which was a federally created homelessness. She said Congressman Turner introduced legislation that creates a database with Health and Human Services which was shared with HUDD for Section 8 housing. When foster children do age out they would have somewhere to go. She said Congressman Turner was currently accepting applications for congressional nomination to attend one of the five service academies which were due by 4:59 p.m. on Friday, October 12<sup>th</sup>. She said this was for students currently in their senior year. She said Senator Brown and Senator Portman's deadline was September 21<sup>st</sup>. She said the National Passport Center was reporting slow volume currently so this would be a good time to renew or apply for your passport.

#### **Chris Beck, Creek Safe**

Mr. Beck explained that Creek Safe was a non-profit organization dedicated to increase the safety measures in the Beavercreek Schools. They are working with the schools, fire department and police department to focus on funding to purchase additional locks and additional security features for the schools. Phase one was to provide a barricade lock on every door that needs one in all six elementary schools. Phase two was to provide any lock the schools need for the two middle schools, the 9<sup>th</sup> grade building and the high school. Each phase would need approximately \$48,000 to complete. Mr. Beck said Bellbrook Fence said they would complete the installations of the locks either for free or 10% of the entire cost. They are also donating 5% of every Beavercreek job they complete to Creek Safe and had just presented a check to Creek Safe for \$2,500. He said they have currently raised \$33,000. He said they have been holding many of events to raise awareness. They have a website creeksafe.com and a Facebook page. On October 14<sup>th</sup> they will be having a foot golf/soccer golf even at Kitty Hawk golf course.

#### **RESOLUTION AND PUDS**

##### **Ordinance 18-17 Impact Fee (Second Reading)**

Clerk Miscisin read an Ordinance amending Ordinance Nos. 93-62, No. 95-66, No. 96.16 and No. 97-72, The Beavercreek 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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There being no public input, the public hearing was closed.

This Ordinance will move automatically to the Third Reading.

**Ordinance 18-18** Easement to Jeff Schmitt (First Reading)

Clerk Miscisin read an Ordinance to declare certain City owned property interests as surplus and to approve the conveyance of an access easement on City owned property generally known as the Creekside Trail Right-of-Way.

Mr. Moorman explained that Jeff Schmitt Auto Group had recently purchased the property directly north of the dealership, 2394 Phil Hubbell Drive. On this property there was an existing building on the northern property line and the doors to access the building were on the northern face of the building. To get to the building the previous property owner went on the city owned property and built a gravel driveway along Creekside Trail. Jeff Schmitt Auto Group had approached the City to be granted an easement which would encompass the existing gravel driveway. Mr. Moorman said there would be no impact to Creekside Trail and there would be only a permitted use for access to the building and for maintenance and improvements to the existing driveway.

Council Member Upton asked if staff had spoken to the surrounding businesses. Mr. Moorman said he had not but would be happy to do so and report back at the second reading.

Council Member Curran MOVED to approve Ordinance 18-18 and move to the second and third readings, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

**Resolution 18-38** PACE (Property Assessed Clean Energy) Program Administrator Agreement

Clerk Miscisin read a Resolution authorizing the City Manager to enter into an agreement with Plug Smart Incorporated for commercial PACE administration

Mr. McGrath explained this legislation was to authorize the City Manager to sign an agreement with Plug Smart who would be the administrator for the PACE program. He said the PACE program was implemented for a specific project at the Mall at Fairfield Commons which was an assessment over time for the cost of the energy upgrades for the roof and HVAC and some other clean energy improvements the mall was doing. Plug Smart would act as the administrator to make people aware of this alternative financing tool to utilize for renovations or new construction. He said this was at no cost to the City and this was a three year



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agreement with Plug Smart. He said Plug Smart would need to find a qualified project to kick off the PACE district city wide.

Council Member Vann MOVED to approve Resolution 18-38, seconded by Council Member Rushing. Motion PASSED by majority voice vote.

**Resolution 18-39** Selective Traffic Enforcement Program (STEP) Grant  
Clerk Miscisin read a Resolution to authorize the Beaver Creek Police Department's acceptance of the Ohio Traffic Safety Selective Enforcement Program (STEP) Grant.

Chief Evers explained the Beaver Creek Police Department was notified of their eligibility to receive a grant through the Ohio Traffic Safety Office to provide funding for High Visibility Enforcement (HVE). High Visibility Enforcement was a universal traffic safety approach designed to create deterrence and change unlawful traffic behaviors. STEP hours must be used to conduct HVE activities in areas to impact fatal crashes by targeting occupant restraint, speed, distracted driving, aggressive driving, failure to yield, etc. STEP grant eligibility was for a maximum of \$19,446.36 of reimbursement to the city for officer overtime and fringe benefits. Included in the amount was transportation and fuel costs reimbursable up to 5% of the total labor costs. There was no local match required for this grant and the grant period would run from October 1, 2018 through September 30, 2019.

Council Member Vann asked where they would target this enforcement. Chief Evers replied the enforcement was targeted to the areas receiving the most requests or the most amount of crash data. He said in Beaver Creek this would include the intersections of Col. Glenn and Grange Hall, North Fairfield and Dayton-Xenia and Kemp and North Fairfield. He said they would also focus on residential high traffic areas

Council Member Litteral MOVED to approve Resolution 18-39, seconded by Council Member Curran. Motion PASSED by majority voice vote.

**Resolution 18-40** Impaired Driving Enforcement Program (IDEP) Grant  
Clerk Miscisin read a Resolution to authorize the Beaver Creek Police Department's Acceptance of the Ohio Traffic Safety Impaired Driving Enforcement Program (IDEP) Grant.

Chief Evers explained this was a High Visibility Enforcement grant to address impaired driving and/or fatal crashes as a result in impaired driving. The high visibility locations would be in those areas where there are a large number of crashes and/or U.S. 35 which sees a lot of traffic and impaired driving. The IDEP





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Grant eligibility was for a maximum of \$26,919.55 of reimbursement to the city for officer overtime and fringe benefits. This amount also includes reimbursement for transportation and fuel costs up to 5% of the total labor costs. There was not match required for this grant and the grant period would run from October 1, 2018 through September 30, 2019.

Council Member Vann MOVED to approve Resolution 18-40, seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

**Resolution 18-41 Zoning Map Update**

Clerk Miscisin-40 read a Resolution to reaffirm a new original of the City Official Zoning Map. (PC 18-8)

Mr. McGrath said the last time this was updated was in 2007. He explained once an Ordinance was approved that rezones a physical area on the map, those updates were referenced on a side list on the map stating they were part of the approvals since 2007. He said this was a map that would be signed by the Mayor and City Clerk and hung on the wall in the Planning Department as the official zoning map of the City of Beavercreek.

Council Member Rushing asked if this was the typical timespan for an update. Mr. McGrath said it was typically done when the side list gets full. He said it does not have any effect on how the property was rezoned. He said between 2008 and 2015 there was not a lot of rezoning. It's only been within the last couple of years where the pace picked up and the list got full.

Council Member Rushing MOVED to approve Resolution 18-41, seconded by Council Member Vann. Motion PASSED by majority voice vote.

**LIQUOR PERMITS**

**Flyby LLC dba Flyby BBQ (New)**

Chief Evers said the Ohio Division of Liquor Control sent police notification referencing a new D2 liquor permit for Flyby LLC dba Flyby BBQ, 2733 Fairfield Commons, STE 3A., Beavercreek, Ohio 45431. 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 Council Member Upton. Motion PASSED by majority voice vote.

**ABE Beavercreek LLC dba Another Broken Egg (New)**



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Chief Evers said the Ohio Division of Liquor Control sent police notification referencing a new D51 liquor permit for ABE Beaver creek LLC dba Another Broken Egg, 2453 Esquire Dr., Beaver creek, Ohio 45431... 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 Council Member Curran. Motion PASSED by majority voice vote.

### **MAYOR'S REPORT**

Mayor Stone said he attended the Soin ground breaking for a 170,000 square foot addition. He took a civic leadership tour from WPAFB to MacDill AFB in Florida and flew aboard a C17. He thanked WPAFB 445<sup>th</sup> for the experience. Mayor Stone said he was invited to take the Honor Flight next month.

### **COUNCIL TIME**

Council Member Upton thanked the volunteers of the Popcorn Festival.

Council Member Vann invited everyone to celebrate Peace Day on September 22<sup>nd</sup>. There would be a planting of a white pine tree which was a symbol of peace by the Native Americans. She was currently hosting a group of people from Iraq who were visiting to learn about innovations in medicine.

Council Member Litteral said Art Fest was this weekend at Community Park from 11:00 a.m. to 6:00 p.m. on Sunday.

### **CITY MANAGER'S REPORT**

Mr. Landrum said there was a new police unit on a motorcycle who was being very effective on the roadways. Parks Master Plan public forum would be held Wednesday, September 19<sup>th</sup> from 6-8 p.m. at Lofino Plaza. The Rotary Park playground community build will be held on September 22<sup>nd</sup> starting at 9:00 a.m. There would be a moment of silence at the 9/11 Memorial tomorrow at 8:46 a.m.

### **CITIZEN COMMENTS**

There being no comments, Citizen Comments was closed.

### **ADJOURNMENT**

Council Member Curran MOVED to adjourn the meeting at 6:57 p.m., seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.



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Bob Stone, Mayor

ATTEST:



Dianne Miscisin  
Dianne Miscisin  
Clerk of Council  
Cmin091018