

BEAVERCREEK CITY COUNCIL  
REGULAR MEETING October 22, 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 Rushing, Council Member Upton, Council Member Vann, Vice Mayor Garcia, Mayor Stone

ABSENT: None

Council Member Upton MOVED to excuse Council Member Litteral, seconded by Council Member Curran. Motion PASSED by majority voice vote.

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; Zack Wike, Assistant Supervisor

**PLEDGE**

Council Member Vann led the pledge and a prayer.

**APPROVAL OF AGENDA**

Council Member Vann MOVED to approve the agenda, seconded by Vice Mayor Garcia.

**PRESCHEДУLED PRESENTERS**

**Soin & Greene Memorial Hospitals Update**, Rick Dodds, President

Mr. Dodds gave an update on the hospitals stating the numbers tell that they are making a difference in the community but it was about the people. He reviewed the statics of both hospitals which show both hospitals are needed in the community. Soin was in its seventh year of service and are currently building a new tower for a new ICU with new technology. He reviewed the renal levy, Issue 5 on the ballot. This renewal has been renewed for almost 25 years and there would be no increase cost.

**Greene County Department of Job and Family Services**, Beth Rubin, Director  
Ms. Rubin explained that their office covers a wide variety programs including adult protective services, child support, work force development and protective children services. One in four Ohioans is connected in some faction with their office. She spoke of the children services department and Issue 6, a 1.5 mil renewal levy which was no increase. She reviewed the number of children serviced. She said the levy supports the children services department.

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**Greene County Council on Aging**, Karen Puterbaugh, Executive Director  
Ms. Puterbaugh said they were on the ballot, Issue 7, which was a renewal for senior services. This levy was first passed in 1999. She said even though they are the Greene County Council on Aging, they were a not for profit organization. The current levy is 93% of their budget and generates about \$5.5 million. She reviewed the services they provide with the funds. 21% of the budget goes to the county senior centers, 3% of the budget goes towards general administrative services and there is a nine member community board.

**Police Levy**, Chief Evers

Chief Evers said the police operating levy was a 4.5 mil renewal continuing levy with zero increase in current taxes which is Issue 10 on the ballot. He said it represents 62% of the funding for police operations. This would maintain current staffing of sworn police officers and communication operators. The mission statement drives the working partnership with the community. He listed the many programs that would be impacted by the levy including school resource program, DARE officer, Crime Prevention and Neighborhood Watch Program, Community in Schools Safety Programs, Citizen Police Academy, Citizens on Preventative Patrol Program. Other things that would be impacted would be the crisis intervention training, maintaining the accreditation program, drug enforcement efforts and membership of the regional response team. A continuing levy would preserve the 12.5% rollback on property taxes and it would provide stability in the police department's funding.

**Council Member Litteral arrived at 6:29 p.m.**

**PUBLIC HEARING – PC 18-11 Zoning Code Update**

Clerk Miscisin read the public hearing was for the purpose of reviewing an update to the Zoning Code.

**Staff Presentation**

Mr. McGrath highlighted the proposed changes to the zoning code. He said this update was driven by the prohibition of medical marijuana dispensaries, cultivation and processing sites. He said there was language to account for the one dispensary that had been approved. He said there was also language for small cell towers.

**Public Input**

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

**Council Input**

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Council Member Upton questioned section 158.104 regarding temporary tents. Mr. McGrath said it was situation where people were using for tents as sheds.

Ordinance 18-25 (First Reading)

Council Member Curran MOVED to move Ordinance 18-25 to the second and third readings, seconded by Council Member Curran. Motion PASSED by majority voice vote.

### **ORDINANCES, RESOLUTION AND PUDS**

**Ordinance 18-19** Update to Chapter 97 Trees, Weeds and Shrubs (Third Reading)  
Clerk Miscisin read an Ordinance repealing current Chapter 97 "Trees, Weeds and Shrubs" of the City of Beavercreek Code of Ordinances, and adopting new Chapter 97 "Trees, Weeds and Shrubs" of the City of Beavercreek Code of Ordinances.

Council Member Litteral MOVED to approve Ordinance 18-19, seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

**Ordinance 18-20** Small Cell Tower (Emergency on Third Reading)

Clerk Miscisin read an Ordinance adopting new section 96.38 "Small Cell Facilities & Wireless Support Structures" of the City of Beavercreek Code of Ordinances as an emergency.

Council Member Vann MOVED to approve Ordinance 18-19 as an emergency, seconded by Council Member Curran. Motion PASSED by a roll call vote of 7-0.

**Ordinance 18-21** Repealing Section 132.13 "Panhandling" of the City of Beavercreek Code of Ordinances (Third Reading)

Clerk Miscisin read an Ordinance repealing current Section 132.13 "Panhandling" of the City of Beavercreek Code of Ordinances.

Council Member Litteral MOVED to approve Ordinance 18-21, seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

**Ordinance 18-22** No Turn on Red Hanes Road at Dayton-Xenia Road (Third Reading)

Clerk Miscisin read an Ordinance to prohibit a right turn against a steady red signal for southbound traffic on Hanes Road at the intersection with Dayton-Xenia Road during school hours.

Council Member Upton MOVED to approve Ordinance 18-22, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

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**Ordinance 18-23** PUD 18-3 Dollar General Rezoning (Second Reading)

Clerk Miscisin read an Ordinance rezoning 3.5 acres from R-1A and B-2 to C-PUD 18-3 further described as Book 2, Page 11, Parcels 140, 141, 144, 145 and 146 on the Greene County Property Tax Atlas.

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

This Ordinance will move automatically to the Third Reading.

**Ordinance 18-24** Approval of Employee Manual Updates (Second Reading)

Clerk Miscisin read an Ordinance repealing current personnel rules and regulations for the City of Beavercreek and adopting new personnel rules and regulations for the City of Beavercreek.

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

This Ordinance will move automatically to the Third Reading.

Mr. McHugh said there need to be a reconsideration of Ordinance 18-20 to add the appropriate language to pass as an emergency.

Council Member Litteral MOVED to reconsider Ordinance 18-20, seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

Mr. McHugh explained the amendment motion.

Council Member Vann MOVED to amend Ordinance 18-20 to include the following language: in the caption adding "and declaring an emergency" and Section II adding "This Ordinance is hereby declared an emergency that may be filed, to provide regulations that address small cell facilities in the City and to protect public health and safety", seconded by Council Member Litteral. Motion PASSED by majority voice vote.

Council Member Vann MOVED to approve Ordinance 18-20 as amended and declaring an emergency, seconded by Vice Mayor Garcia. Motion PASSED by a roll call vote of 7-0.

**LIQUOR PERMITS**

**Pho District LLC DBA Pho District (New)**

Chief Evers said the Ohio Division of Liquor Control sent police notification referencing a new D1 liquor permit for Pho District LLC DBA Pho District 4474 Glengarry Dr., Beavercreek, Ohio 45440.. The records checks required by the

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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.

### **MAYOR'S REPORT**

Mayor Stone said the 655<sup>th</sup> and 755 intelligence wings are reserve units and they unveiled a new mission flag. The Homecoming parade was a huge success. The Beavercreek High School has a Junior ROTC program with 110 members. He asked everyone to remember to vote on November 6<sup>th</sup>.

### **COUNCIL TIME**

Council Member Vann said the Beavercreek Women's League hosted a forum which was videoed and available on the city's website for viewing.

Council Member Rushing congratulated the five Beavercreek Hall of Fame inductees.

Council Member Litteral thanked all the hard work on the road resurfacing. Try-A-Try was a great event. She thanked all the representatives who support WPAFB.

Vice Mayor Garcia said there was a great turnout for the Try-A-Truck and had a huge turnout.

Council Member Upton participated in the foot-golf scramble for Creek Safe. Creek Safe made their first goal and are installing locks in all the elementary schools. Issue 9 is a couple of amendments to the Charter which include lowering the signature requirement from 75 to 50. The second part is cleaning up language for an election in an even year.

Council Member Curran enjoyed being at the Hall of Fame induction. He participated in Try-A-Truck also.

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

Mr. Landrum said Fox Run Park had a clean-up day which included 31 volunteers throughout the day. He reviewed a road closure occurring on Ridgecliff beginning November 5<sup>th</sup> for approximately 30 days. He gave a road construction update. There will be a Drug Take Back on October 27<sup>th</sup> from 10:00 a.m. to 2:00 p.m. at the Beavercreek Police Department. Halloween will be celebrated on October 31<sup>st</sup>

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from 6:00 p.m. to 8:00 p.m. Veterans Day Ceremony will be held on November 11<sup>th</sup> at 2:00 p.m. at the Veterans Memorial Park.

**CITIZEN COMMENTS**

There being no comments, Citizen Comments was closed.

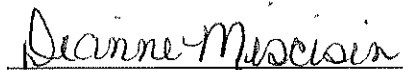
**ADJOURNMENT**

Council Member Curran MOVED to adjourn the meeting at 6:59 p.m., seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.



Bob Stone, Mayor

ATTEST:



Dianne Miscisin  
Clerk of Council  
Cmin100818