



**CITY COUNCIL**  
**Regular Meeting – March 9, 2020 6:00 p.m.**  
**Council Chambers**

1368 Research Park Dr  
Beaver Creek, Ohio

**PROCLAMATIONS**

- ◆ Girl Scout Week

**PRESENTATIONS**

- ◆ Waves, First Lego League Team

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND PRAYER/MOMENT OF SILENCE – Council Member Curran
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
  - A. February 10, 2020 Regular Meeting
  - B. February 18, 2020 Work Session
  - C. February 24, 2020 Regular Meeting
- VI. PRESCHEDULED SPEAKERS
  - A. U.S. Census, Randy Burkett, Interim Planning & Development Director
  - B. Alternate Revenue Income Tax, Bill Kucera, Financial Administrative Services Director
- VII. ORDINANCES, RESOLUTIONS AND PUDS
  - A. Ordinance 20-05 Convey Easement to Greene County Engineering (First Reading)
  - B. Resolution 20-07 Acceptance of Ohio Law Enforcement Body Armor Award
  - C. Ordinance 20-06 Additional Appropriations (Single Reading)
- VIII. DECISION ITEMS
  - A. Board Appointments – Greene County Board of Health
  - B. Board Appointments – Community Reinvestment Area Housing Council
- IX. COUNCIL TIME
- X. MAYOR'S REPORT
- XI. CITY MANAGER'S REPORT
- XII. CITIZEN COMMENTS
- XIII. ADJOURNMENT

BEAVERCREEK CITY COUNCIL  
REGULAR MEETING February 10, 2020 6:00 p.m.

**INTRODUCTIONS**

- ◆ New Officer – Officer Joseph Thacker

**CALL TO ORDER**

Mayor Stone called the meeting to order followed by roll call

PRESENT: Council Member Bales, Council Member Curran, Council Member Garcia, Council Member Rushing, Vice Mayor Adams, Mayor Stone

ABSENT: None

ALSO IN ATTENDANCE: Randy Burkett, City Planner; Dennis Evers, Chief of Police; Jeff Fiorita, Captain Beaver Creek Police Department; Bill Kucera, Financial Administrative Services Director; Pete Landrum, City Manager; Steve McHugh, Legal Counsel; Dianne Miscisin, Clerk of Council; Sandra Pereira, City Planner; Mike Thonnerieux, Public Administrative Services Director

**PLEDGE**

Vice Mayor Adams led the pledge and a moment of silence.

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

Council Member Rushing MOVED to approve the January 13, 2020 Regular Meeting Minutes, seconded by Council Member Garcia. Motion PASSED by majority voice vote.

Council Member Curran MOVED to approve the January 21, 2020 Work Session Minutes, seconded by Vice Mayor Adams. Motion PASSED by majority voice vote. (Abstain – Council Member Garcia)

Council Member Garcia MOVED to approve the January 27, 2020 Regular Meeting Minutes, seconded by Council Member Rushing. Motion PASSED by majority voice vote.

Council Member Bales MOVED to approve the February 3, 2020 Special Meeting Minutes, seconded by Vice Mayor Adams. Motion PASSED by majority voice vote. (Abstain – Mayor Stone)

**PUBLIC HEARING** – PUD 19-1 Amendment 12/10 IH Credit Union

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Clerk Miscisin read an application filed by Chuck Springmeyer, 3233 Newmark Drive, Miamisburg, OH 45342. The application requests approval of an amendment to add an additional 0.485 acres of land to PUD 19-1. The property is located east of 1464 and 1474 N. Fairfield Road further described as Book 5, Page 5, Parcel 272 on the Greene County Property Tax Atlas.

Applicant Presentation

No presentation

Staff Presentation

Mr. Burkett summarized the staff report dated February 5, 2020 stating the applicant was requesting a PUD amendment to PUD 19-1 to add 0.485 acres to the existing 1.595 acre PUD. He reviewed the location, Land Use Plan, conditions, and specific uses, which he highlighted uses that would be excluded from the permitted uses in the entire PUD.

Public Input

Bruce Guindon, St Luke's Parish, Beaver creek, Ohio

Mr. Guindon thanked staff and Council for adding the pre-conditions to the property. He thought it best suited the community along with the school.

The public hearing was closed.

Council Input

Council Member Garcia asked if the new exclusions that were added would be continued in perpetuity and if ownership would change those exclusions would continue to be applied. Mr. Burkett said that was correct.

Ordinance 20-04 (First Reading)

Council Member Curran MOVED Ordinance 20-04 to the second reading, seconded by Council Member Garcia. Motion PASSED by majority voice vote.

**PUBLIC HEARING - PC 20-2 ASRA Darst Road Medical Building**

Clerk Miscisin read an application filed by John Roll, 3176 Kettering Blvd., Dayton, OH 45439. The application requests an Administrative Site Plan Review and Approval (ASRA) for 1.58 acres of land to construct a 1-story medical office building. The property is located on the west side of Darst Road approximately 180 feet south of the intersection of Darst Road and Indian Ripple road further described as Book 3, Page 10, Parcel 169 on the Greene County Property Tax Atlas.

Applicant Presentation

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John Roll, Roll & Associates, Inc., Architects & Planners, Kettering, Ohio  
Mr. Roll stated this was a straight forward medical office building and looked forward to building in the community.

#### Staff Presentation

Mr. Burkett summarized the staff report dated February 6, 2020 stating the applicant was requesting approval for the construction of a 6,900 square foot medical office building on 1.6 acres. He reviewed the location, Land Use Plan, surrounding zoning, site plan, access, parking, sidewalks, architectural elevations, landscaping, stormwater, lighting and signage.

#### Public Input

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

#### Council Input

Council Member Curran questioned if the existing trees in the buffer were being removed. Mr. Burkett replied no.

Vice Mayor Adams verified the one access and the width. Mr. Burkett replied it would be 26 feet wide which was standard.

#### Motion

Council Member Rushing MOVED, for the purpose of taking administrative action, approval of a ASRA Detailed Site Plan for the Darst Road Medical Office Building, 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 ASRA Detailed Site Plan as per §158.083 of the Zoning Code. Supplementary conditions required of this approval shall be as follows. Council Member Rushing further moved that this motion with all conditions be fully recorded in the minutes of this Council meeting.

1. The approved plans for this development shall be the plans stamped "Received December 5, 2019", except as modified herein.
2. The approved building elevations shall be those plans stamped "Received December 5, 2019" except where modified herein.
3. A detailed landscape plan shall be reviewed and approved by the Planning Department prior to the execution of the required Development Agreement and the release of a zoning permit.

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4. 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.
5. A Development Agreement must be signed by the owner and a bond or letter of credit for the required 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.
6. All trash collection containers shall be screened from view and enclosed within a permanent dumpster enclosure or completely kept within the building. Any dumpster enclosures shall be constructed of materials to match the building, and fitted with a closeable, lockable gate.
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. The façade shall not be painted or altered without the expressed approval of the Planning Department and/or Planning Commission.
9. All service doors shall be painted to match the building per the approval of the Planning Department.
10. Any ground sign shall be a maximum of 5 feet in height, including a 1-foot masonry base and wrap (similar to that as represented in Exhibit A), and shall have a maximum of 25 square feet of sign area per sign face. The ground sign shall be constructed with a masonry base and wrap, to match the materials used to construct the building.
11. The applicant shall be permitted to have one wall-mounted sign, subject to the size limitations set forth in the Zoning Code for B2 properties. All sign letters/symbols shall be individually mounted. The use of raceway signs shall be prohibited.
12. Prior to the issuance of a zoning permit, final cut sheet details and photometric plans for lighting of the site shall be reviewed and approved by the Planning Department. Maximum mounting height for any parking fixture

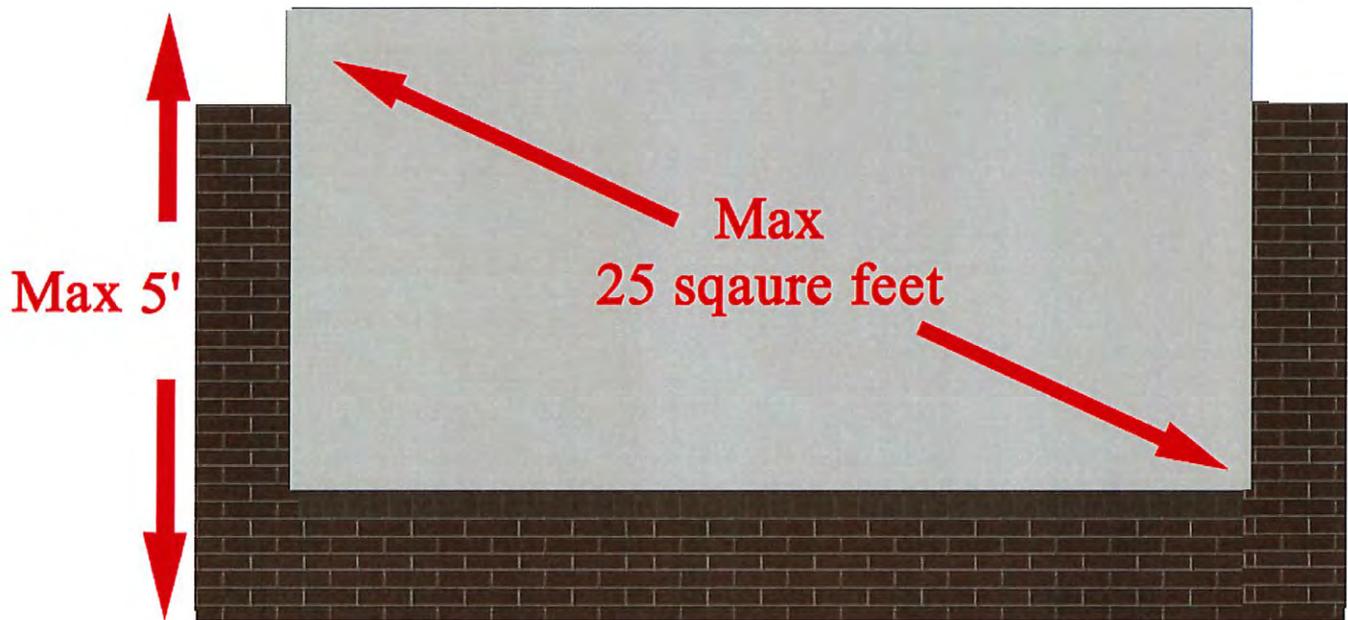
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shall be 20 feet, and no pole shall be located in the paved area of the parking field. Lights in the parking lot shall be reduced to no greater than 25 percent illumination level within one hour of closing.

13. 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 for the building.
14. All mechanical units shall be completely screened from view from all directions with appropriate landscaping.
15. A final subdivision shall be approved by Planning Commission and recorded with the Greene County Auditor's Office prior to the release of a zoning permit for this project.
16. Prior to the expansion of the building into the "Prop. Future Building Expansion" area, the applicant shall submit and receive approval of a zoning permit for the said expansion area. The future addition shall be compatible in scale and architectural style with the architectural elevations approved with this application, and any future expansion area will require adequate parking, per the zoning code.
17. The northernmost parking space in the parking lot shall be striped and labeled as a "No Parking – Turn Around Area", as depicted in Exhibit B.

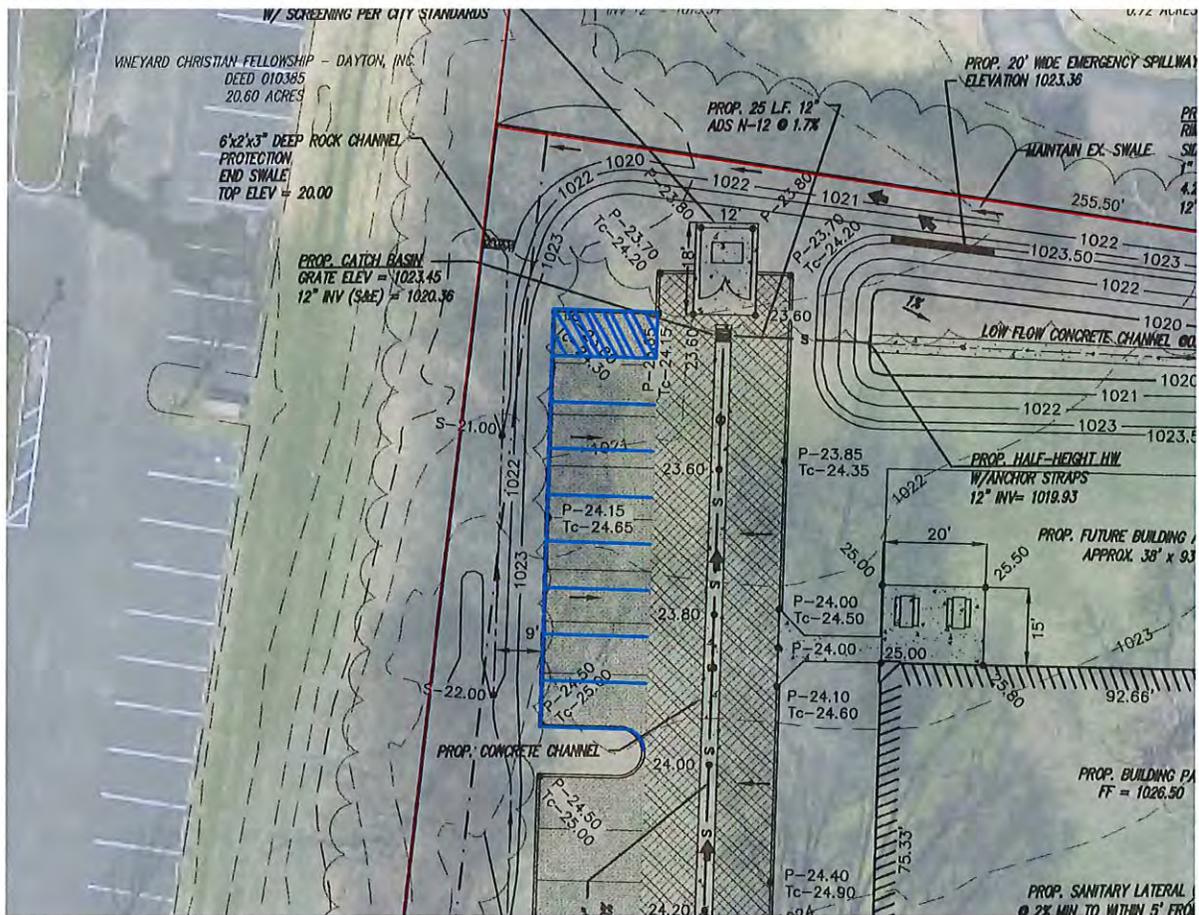
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# Exhibit A



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# Exhibit B



Council Member Bales seconded the motion. Motion PASSED by majority voice vote.

## ORDINANCES, RESOLUTIONS AND PUDS

**Ordinance 20-02** Cedarbrook Flower Farm Assessment Project – Ordinance to Proceed (Second Reading)

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Clerk Miscisin read an Ordinance to proceed with the design, construction, installation, and inspection of roadway improvements in the City of Beavercreek, Ohio, and related to the project known as Cedarbrook Flower Farms.

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

Council Member Curran MOVED to approve Ordinance 20-02, seconded by Council Member Garcia Motion PASSED by majority voice vote.

**Ordinance 20-03 Motor Vehicle License Tax (Second Reading)**

Clerk Miscisin read an Ordinance to levy a municipal motor vehicle license fee pursuant to Section 4504.173 of the Ohio Revised Code as authorized by House Bill 62 and amending the codified Ordinances of the City of Beavercreek, Ohio by adding new section 35.54 "License Tax for Operation of Motor Vehicles" to Chapter 35 "Finance and Taxation."

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

Council Member Curran MOVED to approve Ordinance 20-03, seconded by Council Member Rushing Motion PASSED by majority voice vote.

**EXECUTIVE SESSION**

Council Member Garcia MOVED to enter into Executive Session at 6:25 p.m. pursuant to Section 121.22 of the Ohio Revised Code, for the purpose of the appointment of a public official, seconded by Council Member Bales. Motion PASSED by roll call vote of 6-0.

Council Member Garcia MOVED to adjourn executive session at 6:38 p.m., seconded by Vice Mayor Adams Motion PASSED by roll call vote of 6-0.

Council Member Curran MOVED to reconvene the meeting, seconded by Council Member Rushing. Motion PASSED by majority voice vote.

**DECISION ITEMS**

**Appointment to Council**

Council Member Rushing MOVED to open nominations for the Beavercreek City Council, seconded by Vice Mayor Adams. Motion PASSED by majority voice vote.

Council Member Rushing nominated Tiffany Schwartz.

Council Member Bales MOVED to close nominations for the Beavercreek City Council, seconded by Vice Mayor Adams. Motion PASSED by majority voice vote.

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Council Member Curran MOVED to add Tiffany Schwartz to Resolution 20-05, seconded by Council Member Bales. Motion PASSED by majority voice vote

**Resolution 20-05** Appointment to Fill Council Seat Vacancy

Clerk Miscisin read a Resolution to fill vacancy on the Beavercreek City Council and to declare that the new appointee shall serve until the balance of the unexpired term to which the resigning council member was previously elected.

Council Member Bales MOVED to approve Resolution 20-05, seconded by Council Member Garcia Motion PASSED by majority voice vote.

**Dayton Development Coalition Community Leader Fly-In**

Council Member Curran MOVED to approve Mayor Stone and Pete Landrum to participate in the 2020 Dayton Development Coalition Community Leader Fly-In, seconded by Council Member Rushing. Motion PASSED by majority voice vote.

**Accepting Fourth Quarter 2019 Financial Summary**

Mr. Kucera summarized the report highlighting key points of the report.

Council Member Bales MOVED to approve to accept the Fourth Quarter 2019 Financial Summary seconded by Council Member Rushing. Motion PASSED by majority voice vote.

**COUNCIL TIME**

Garcia attend her first MVRPC meeting. MVRPC has a ride share program for anybody who lives, works and attends school from the counties of Miami, Greene, Montgomery, Preble, Dark or Clinton.

Council Member Rushing said the deadline to apply for boards and commissions is February 14<sup>th</sup> at 4:00 p.m. The last day to register to vote is Tuesday, February 18<sup>th</sup>.

Council Member Bales welcomed Officer Thatcher.

Council Member Curran welcomed the Officer Thatcher. He attended the Children and Family First meeting.

Vice Mayor Adams attended the middle school Lego league state championship with Council Member Garcia. He said on February 28<sup>th</sup> the high school teams would be competing. He also attended the Greenebucs meeting and on February 29<sup>th</sup> they would be giving away AmTrikes® to people with special needs or veterans.

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**MAYOR'S REPORT**

Mayor Stone attended the Change of Command for the 665<sup>th</sup> Reserve Unit. Saturday. International students would be visiting city hall on Tuesday at 2:00 p.m.

**CITY MANAGER'S REPORT**

Mr. Landrum said the seasonal job fair would be held Saturday, February 22<sup>nd</sup> at the Lofino Plaza from 9-11:30 a.m. The Parks and Recreation Department was honored at the state conference as part of the Promoting Play Initiative for the new playgrounds installed at Saville Park, E.J. Nutter Park and Stafford Park. City offices would be closed on Monday, February 17<sup>th</sup> in observance of Presidents' Day.

**CITIZEN COMMENTS**

There were no citizen comments.

**ADJOURNMENT**

Council Member Curran MOVED to adjourn the meeting at 7:03 p.m., seconded by Council Member Garcia. Motion PASSED by majority voice vote.

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Bob Stone, Mayor

ATTEST:

\_\_\_\_\_  
Dianne Miscisin  
Clerk of Council  
Cmin02102020

BEAVERCREEK CITY COUNCIL  
COUNCIL WORK SESSION, February 18, 2020 5:00 p.m.

**CALL TO ORDER**

Mayor Stone called the meeting to order followed by roll call

PRESENT: Council Member Bales, Council Member Curran, Council Member Garcia, Council Member Rushing, Vice Mayor Adams, Mayor Stone

ABSENT: None

ALSO IN ATTENDANCE: Randy Burkett, City Planner; Dennis Evers, Chief of Police; Jeff Fiorita, Captain Beaver Creek Police Department; Bill Kucera, Financial Administrative Services Director; Pete Landrum, City Manager; Dianne Miscisin, Clerk of Council; Dianne Miscisin, Clerk of Council; Jason Norwood, Legal Counsel; Sandra Pereira, City Planner; Mike Thonnerieux, Public Administrative Services Director; Zack Wike, Assistant Supervisor, Parks

**APPROVAL OF AGENDA**

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

**DISCUSSION ITEMS**

**Land Use Plan**

Mr. Burkett explained the Land Use Plan updates had been reviewed by the Planning Commission and they were recommending approval. The last update to the Land Use Plan was 2015. Mr. Burkett reviewed the changes to the plan which included mixed use definitions and the adjustment to medium density residential. He said a little over 1,100 acres were affected by the medium density change. They would be holding an open house at City Hall on March 12<sup>th</sup> from 5:00 p.m. to 7:00 p.m. Mr. Burkett reminded this was Land Use Plan changes and not Zoning Code changes.

**Zoning Code Updates**

Ms. Pereira said the Zoning Code Updates would be going before the Planning Commission on March 4<sup>th</sup>. She said there were not a lot of substantial changes this year. She reviewed a few of the updates which included parking requirements for medical buildings, shooting ranges, solar farms and overnight parking of commercial vehicles. She reviewed future updates that were being discussed. It was suggested to include the zoning code updates with the land use plan open house.

**Alternative Revenue Presentation – Beaver Creek Fairer Funding Committee**

Mr. Jarvis said the committee had been meeting for over a year. He said they started by listening to residents. He reviewed an alternative revenue of an income

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tax to replace the levies. The committee recommended a 1% income tax. He said the tax would fairly share the funding of city services between residents and non-residents who all use the services. The city is missing out on significant revenue by not collecting taxes from people who work in Beavercreek but live elsewhere. Mr. Jarvis reviewed the income tax option impact on residents. He said the next steps would be to hold meetings with all stakeholders and create a committee for fundraising to get the word out.

Council Member Garcia left the meeting at 5:46 p.m.

There was discussion to add this topic to the next regular meeting.

**COUNCIL COMMITTEE/EVENT UPDATES**

Council discussed events they had attended and anything they scheduled in the near future.

**ADJOURNMENT**

Council Member Curran MOVED to adjourn the meeting at 6:02 p.m., seconded by Council Member Rushing. Motion PASSED by majority voice vote.

\_\_\_\_\_  
Bob Stone, Mayor

ATTEST:

\_\_\_\_\_  
Dianne Miscisin  
Clerk of Council  
Cmin02182020WorkSession

BEAVERCREEK CITY COUNCIL  
REGULAR MEETING February 24, 2020 6:00 p.m.

**CALL TO ORDER**

Mayor Stone called the meeting to order followed by roll call

PRESENT: Council Member Bales, Council Member Curran, Council Member Rushing, Council Member Schwartz, Vice Mayor Adams, Mayor Stone

ABSENT: Council Member Garcia

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

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

**PLEDGE**

Council Member Bales led the pledge and a prayer.

**APPROVAL OF AGENDA**

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

**PRESCHEДУLED SPEAKERS**

Alternative Revenue – Brian Jarvis, Income Tax, Beaver Creek Fairer Funding Committee

Mr. Jarvis said the committee has a solution to provide alternative revenue to the City. He said there are residents who want reduced property taxes and the City who has total reliance on property taxes. He said there are non-residents who are not paying their fair share for local public services. There are seniors/retirees on fixed incomes who want to stay in their homes but are being taxed out of them. He said there are employed residents who pay income taxes to other municipalities who would not pay more. Mr. Jarvis said without an alternative revenue source, the City will not be able to maintain aging infrastructure, provide quality of life amenities or address residents' concerns. He reviewed the current levy strategy which would only increase property taxes in future years. He said an income tax alternative would satisfy the needs of the city. He reviewed the initial effect of an income tax including a 3.4 voted mill property tax rollback that is planned to be renewed and made continuing if the levy option is continued. He said under the income tax option all property owners, commercial and residential, would receive a tax reduction of 3.4 voted mills by the levy expiring the end of 2021. He said the

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concept is to have the income tax voted on November 2020, let the levy expire the end of 2021 and the income tax begin 2022. There would be no overlap between the two. All property owners avoid all of the property tax increases and be replaced by a single income tax of 1%. Most Beaver Creek residents are already paying an income tax where they work. They would receive a 100% credit and not have to pay anymore. Retirees, social security, retirement/pension income, IRAs and 401ks are not taxable by state law. Active duty military and other tax-exempt income is also not taxable. Beaver Creek residents who are working someplace where there is no income tax would be taxed at the 1% rate but the property tax rollbacks would offset. He said the recommendation is for a 1% income tax. Non-residents who are employed in Beaver Creek will pay 1% income tax to Beaver Creek. No tax on retirement income, active duty military or other tax-exempt income. Employed residents paying income tax to other municipalities are granted a 100% credit up to Beaver Creek's tax rate. Other employed residents pay 1% income tax to Beaver Creek. All property owners will receive a property tax reduction when the voted 3.4 mill levy expires at the end of 2021 prior to the income tax starting on January 1, 2022. None of the property tax levies being planned for 2021-2023 would be put on the ballot. He said the income tax would fairly share the funding of the city services between the residents and non-residents who all use the services. He said this also fairly balances the burden of funding city services between property taxes and income taxes. It provides all local property owners significant property tax relief and generates additional revenue for the city to maintain quality municipal operations and to begin addressing the \$200 million in backlogged infrastructure, capital improvements and maintenance projects that have been postponed. He said over 75% of the jobs in Beaver Creek are held by non-residents. Beaver Creek is missing out on significant revenue by not collecting taxes from people who work in Beaver Creek but live elsewhere. Millions of tax dollars generated in Beaver Creek are leaving Beaver Creek to support surrounding communities' public services. The taxes Beaver Creek would collect from non-residents employed in Beaver Creek would improve our city services and make us less reliant on local property taxes. Mr. Jarvis said if council would allow to move forward they would hold stakeholder meetings and start fundraising to assist with getting the word out.

Mayor Stone invited any of the committee members to speak

Mark Walsh

Dr. Walsh said he worked on this about 17 years ago and was not successful. He said the city is almost committing financial suicide because we are allowing all this money go to the surrounding cities and their infrastructure has benefited. He said Beaver Creek is three quarters the size of Kettering and their capital improvement budget last year was \$22 million, Beaver Creek's was \$2.5 million. He said we are

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three quarters the size with one-eighth the capital improvement budget. Some of those capital improvement dollars they are spending were earned in Beavercreek. Kettering has 250 miles of roads and Beavercreek has 333 miles counting the highways. Kettering's budget for blacktopping was \$8 million, Beavercreek's was \$1 million. He said there is a horrible shortfall in funds for investing in our infrastructure and it is financial suicide not to take this money to improve our own community. He said by the city delving into property taxes, it keeps the property taxes relatively high and makes it harder for the schools to pass their bonds. He said we all know the health of a suburban community like this depends on the health of their school system. We are inadvertently hurting the school system.

Roselyn Brailey

Ms. Brailey has lived in Beavercreek over 40 years and during this time Beavercreek has changed. It has grown from a bedroom community and when the charter was drawn up many years ago it was opted not to have an income tax for a good reason then. However, now there are businesses everywhere and 75% of those working in Beavercreek live in the surrounding areas. Because we have no income tax, their income tax is given to all those towns in which they live. This means we are giving Dayton, Kettering, Fairborn and all those other towns between \$12-20 million every year because we do not have an income tax. During this same time frame Beavercreek's demographics also changed from 25% retired people and almost 75% retired and on a fixed income. She said it is the retired folks on fixed incomes that shoulder the burden to pay for everything through property taxes. She said it continues to soar, threatening to force some of the retirees out of their homes. She said this is not fair. She said they named the committee the Beavercreek Fairer Funding Committee. She reiterated that only earned income tax would be taxed. She said they feel this would be fairer because it would allow us to capture our fair share of earned income tax already being paid to those who work in Beavercreek and live in those surrounding towns and yet enjoy the benefits that our city provides that we are paying for. It is fairer because it would lessen the property tax burden carried by Beavercreek residents and businesses which is especially helpful to seniors. It is fairer because it diversifies, broadens and stabilizes the revenue sources the city must rely on to maintain the quality of services that we have come to expect and the city tries to provide to us. It is fairer because it would virtually remove the city's portion of the property tax equation thus greatly lessening the competition for school revenue dollars. It is fairer because the \$12-20 million generated will give the city the resources to begin tackling major infrastructure capital improvement backlogs that we need. She feels this is a much fairer way of funding our city's needs and would benefit many with minimal impact.

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Mayor Stone said council had heard bits as the committee has been working on this for some time. He said what Council needed to decide tonight is if they wanted staff to work with the committee to justify the numbers and aspects so they could make a recommendation.

Council Member Curran MOVED to direct the City Manager to work with the Beaver Creek Fairer Funding Committee, seconded by Council Member Rushing. Motion PASSED by majority voice vote.

### **ORDINANCES, RESOLUTIONS AND PUDS**

**Ordinance 20-04** PUD 19-1 Amendment 12/19 IH Credit Union (Second Reading)  
Clerk Miscisin read an Ordinance amending Ordinance #19-06 (PUD 19-1 IH Credit Union Development) to add 0.485 acres to the existing 1.595 acre PUD.

Ben Clausius, Danis Building Construction, 3233 Newmark Dr., Dayton, Ohio  
Mr. Clausius said he was available for any questions.

Council Member Curran MOVED to approve Ordinance 20-04, seconded by Council Member Bales. Motion PASSED by majority voice vote.

### **LIQUOR PERMITS**

#### **Miller Partners LLC DBA Knollwood Tavern (Transfer)**

Chief Evers said they received notification from the Ohio Division of Liquor control requesting a transfer of a D1, D2, D3 and D3A liquor permit from Knollwood Tavern PLL DBA Knollwood Tavern, 3833 Dayton Xenia Rd., Beaver Creek, Ohio 45432 to Miller Partners LLC., DBA Knollwood Tavern, 3833 Dayton Xenia Rd., Beaver Creek Ohio 45432. LLC. The records checks required by the Department of Commerce-Division of Liquor Control were conducted on the business officers(s)/shareholders(s) for this application request. Staff recommended this application request move forward without comment.

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

### **DECISION ITEMS**

#### **Boards and Commissions Appointments**

##### *Planning Commission (2 Vacancies)*

Council Member Schwartz MOVED to open nominations for the Planning Commission, seconded by Vice Mayor Adams. Motion PASSED by majority voice vote.

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Council Member Curran nominated Nicholas Loftis. Council Member Rushing nominated Johnathon Meyer.

Vice Mayor Adams MOVED to close nominations for the Planning Commission, seconded by Council Member Rushing. Motion PASSED by majority voice vote.

Council Member Schwartz MOVED to appoint Nicholas Loftis and Johnathon Meyer to the Planning Commission for the term March 1, 2020 through February 28, 2023, seconded by Council Member Rushing. Motion PASSED by majority voice vote.

*Board of Zoning Appeals (2 Vacancies))*

Council Member Bales MOVED to open nominations for the Board of Zoning Appeals, seconded by Vice Mayor Adams. Motion PASSED by majority voice vote.

Council Member Bales nominated William Althoff. Council Member Schwartz nominated Richard Porter.

Council Member Curran MOVED to close nominations for the Board of Zoning Appeals, seconded by Council Member Rushing. Motion PASSED by majority voice vote.

Council Member Bales MOVED to appoint William Althoff and Richard Porter to the Board of Zoning Appeals for the term March 1, 2020 through February 28, 2023, seconded by Vice Mayor Adams. Motion PASSED by majority voice vote.

*Community Reinvestment Area Housing Council (3 Vacancies)*

Council Member Rushing MOVED to open nominations for the Community Reinvestment Area Housing Council, seconded by Vice Mayor Adams. Motion PASSED by majority voice vote.

Council Member Bales nominated Loren Ross. Council Member Schwartz nominated Jason Scott. Council Member Curran nominated Zach Upton.

Council Member Bales MOVED to close nominations for Community Reinvestment Area Housing Council, seconded by Vice Mayor Adams. Motion PASSED by majority voice vote.

Council Member Bales MOVED to appoint Loren Ross, Jason Scott and Zach Upton to the Community Reinvestment Area Housing Council for the term March

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1, 2020 through February 28, 2023, seconded by Council Member Schwartz. Motion PASSED by majority voice vote.

*Tax Incentive Review Council (1 Vacancy)*

Council Member Bales MOVED to open nominations for the Tax Incentive Review Council, seconded by Council Member Curran. Motion PASSED by majority voice vote.

Council Member Bales nominated Jason Scott.

Council Member Curran MOVED to close nominations for Tax Incentive Review Council, seconded by Council Member Schwartz. Motion PASSED by majority voice vote.

Council Member Bales MOVED to appoint Jason Scott to the Tax Incentive Review Council for the term March 1, 2020 through February 28, 2023, seconded by Vice Mayor Adams. Motion PASSED by majority voice vote.

*Parks, Recreation and Culture Board (1 Vacancy)*

Council Member Curran MOVED to open nominations for the Parks, Recreation and Culture Board, seconded by Choose an item.. Motion PASSED by majority voice vote.

Council Member Bales nominated Dan Tipps.

Council Member Rushing MOVED to close nominations for Parks, Recreation and Culture Board, seconded by Vice Mayor Adams. Motion PASSED by majority voice vote.

Vice Mayor Adams MOVED to appoint Dan Tipps to the Parks, Recreation and Culture Board for the term March 1, 2020 through February 28, 2023, seconded by Council Member Bales. Motion PASSED by majority voice vote.

*Bikeway and Non-Motorized Transportation Advisory Board (2 Vacancies)*

Council Member Curran MOVED to open nominations for the Bikeway and Non-Motorized Transportation Advisory Board, seconded by Council Member Rushing. Motion PASSED by majority voice vote.

Council Member Curran nominated Joe Godwin. Council Member Bales nominated Michael Jones.

February 24, 2020

Council Member Rushing MOVED to close nominations for Bikeway and Non-Motorized Transportation Advisory Board, seconded by Vice Mayor Adams. Motion PASSED by majority voice vote.

Council Member Bales MOVED to appoint Joe Godwin and Michael Jones to the Bikeway and Non-Motorized Transportation Advisory Board for the term March 1, 2020 through February 28, 2023, seconded by Council Member Schwartz. Motion PASSED by majority voice vote.

*Tree Advisory Board (2 Vacancies)*

Council Member Rushing MOVED to open nominations for the Tree Advisory Board, seconded by Council Member Bales. Motion PASSED by majority voice vote.

Council Member Bales nominated Jeanne Kunay. Council Member Schwartz nominated Don Shipley.

Council Member Rushing MOVED to close nominations for the Tree Advisory Board, seconded by Council Member Schwartz. Motion PASSED by majority voice vote.

Council Member Bales MOVED to appoint Jeanne Kunay and Don Shipley to the Tree Advisory Board for the term March 1, 2020 through February 28, 2023, seconded by Council Member Rushing. Motion PASSED by majority voice vote.

*Youth Development Council (3 Vacancies Minimum)*

Council Member Schwartz MOVED to open nominations for the Youth Development Council, seconded by Council Member Bales. Motion PASSED by majority voice vote.

Council Member Bales nominated Craig Kigar. Vice Mayor Adams nominated Mike Spada.

Council Member Bales MOVED to close nominations for the Youth Development Council, seconded by Council Member Schwartz. Motion PASSED by majority voice vote.

Council Member Bales MOVED to appoint Craig Kigar and Mike Spada to the Youth Development Council for the term March 1, 2020 through February 28, 2022, seconded by Council Member Schwartz. Motion PASSED by majority voice vote.

February 24, 2020

*Environmental Advisory Board (6 Vacancies)*

Council Member Bales MOVED to open nominations for the Environmental Advisory Board, seconded by Council Member Curran. Motion PASSED by majority voice vote.

Council Member Schwartz nominated Thomas Blevins. Council Member Curran nominated Edward Bodgen. Vice Mayor Adams nominated John Koerner.

Council Member Rushing MOVED to close nominations for the Environmental Advisory Board, seconded by Council Member Schwartz. Motion PASSED by majority voice vote.

Council Member Rushing MOVED to appoint Thomas Blevins, Edward Bodgen and John Koerner to the Environmental Advisory Board for the term March 1, 2020 through February 28, 2023, seconded by Council Member Curran. Motion PASSED by majority voice vote.

*Personnel Board (1 Vacancy)*

Council Member Schwartz MOVED to open nominations for the Personnel Board, seconded by Vice Mayor Adams. Motion PASSED by majority voice vote.

Council Member Bales nominated Craig Kigar.

Council Member Rushing MOVED to close nominations for the Personnel Board, seconded by Vice Mayor Adams. Motion PASSED by majority voice vote.  
2 by show of hands:

Council Member Bales MOVED to appoint Craig Kigar to the Personnel Board for the term March 1, 2020 through February 28, 2023, seconded by Council Member Schwartz. Motion PASSED by majority voice vote.

**COUNCIL TIME**

Mr. Curran attended the Rotary Pancake Breakfast Saturday and Day of Caring on Sunday.

Council Member Schwartz met with girl scouts last Wednesday,

Council Member Rushing welcomed Council Member Schwartz. He congratulated Coach Zink on his 800<sup>th</sup> win and is the winningest women's coach in Ohio history and fourth coach overall in Ohio history to have over 800 wins.

February 24, 2020

Council Member Bales welcomed Council Member Schwartz. He attended many ribbon cuttings in the past couple of weeks. He thanked the Beavercreek Fairer Funding Committee for their presentation this evening.

Vice Mayor Adams had fun working with the girl scouts last week. He also attended many ribbon cuttings and the Rotary Breakfast. He would be attending the First Robotics at the Nutter Center which would be the high school competition. This coming Saturday is Greenebucs Visibility Day and the organization would be giving AmTrikes® to specials needs children and adults as well as veterans. This event is being held at the Fairfield Mall at noon.

#### **MAYOR'S REPORT**

Mayor Stone said they enjoy having the Scouts visit city hall. He said the Weekend of Jazz would be held this coming weekend.

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

Mr. Landrum said the city was taking applications for seasonal positions. See [www.beavercreekohio.gov](http://www.beavercreekohio.gov) for more information. The Fourth of July Celebration is looking for sponsors for the event and is also taking applications for grand marshal. The theme for the Fourth of July is Celebrate the 4<sup>th</sup> Like It's 1980. Happy 40<sup>th</sup>

#### **CITIZEN COMMENTS**

There were no Citizen Comments

#### **EXECUTIVE SESSION**

Council Member Schwartz MOVED to enter into Executive Session at 7:00 p.m. pursuant to Section 121.22 of the Ohio Revised Code, for the purpose of the employment of a public employee and conference with city attorney concerning disputes involving the city that are subject to pending or imminent court action, seconded by Vice Mayor Adams. Motion PASSED by roll call vote of 6-0.

Council Member Rushing MOVED to adjourn executive session at 6:38 p.m., seconded by Vice Mayor Adams Motion PASSED by roll call vote of 6-0.

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

Council Member Curran MOVED to amend the agenda by adding Resolution 20-06, second by Council Member Rushing. Motion PASSED by majority voice vote.

**Resolution 20-06** One Ohio Memorandum of Understanding

February 24, 2020

Clerk Miscisin read a Resolution by the Beavercreek City Council to accept the One Ohio Memorandum of Understanding.

Mr. McHugh said this was a Resolution that was brought up today due to a deadline that was requested by the Governor and Attorney General with respect to the opioid manufacturers and distributors litigation that is being attempted to pursue. He said the Governor and Attorney General are asking local governments to sign a memorandum of understanding to commit to be a member of a party of this local class action which they are seeking to go after. He said within the fund 30% of whatever is collected was to go to local governments. He said the request was due by March 6<sup>th</sup> which was before the next Council meeting.

Council Member Curran MOVED to approve Resolution 20-06, seconded by Council Member Rushing. Motion PASSED by majority voice vote.

**ADJOURNMENT**

Council Member Curran MOVED to adjourn the meeting at 7:25 p.m., seconded by Council Member Bales. Motion PASSED by majority voice vote.

\_\_\_\_\_  
Bob Stone, Mayor

ATTEST:

\_\_\_\_\_  
Dianne Miscisin  
Clerk of Council  
Cmin02242020

**CITY OF BEAVERCREEK  
CITY COUNCIL  
AGENDA ITEM REPORT**

<b>Meeting Date:</b> <u>March 9, 2020</u>	<b>Reference Topic:</b> Conveyance of a Water Main Easement Through Overlook Reserve to Greene County
<b>Agenda Reference No.:</b> <u>VII. A.</u>	<b>Ordinance No.</b> <u>20-05</u>

ACTION REQUESTED		
<input checked="" type="checkbox"/> Adopt Ordinance	<input type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input checked="" type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

**BACKGROUND AND STAFF SUMMARY:**

As a part of the Homestead America Development, Greene County is requiring a connection between an existing 12 inch water main at the end of Spicer Drive to an existing 12 inch water main along Park Overlook Drive. This connection has been desired by Greene County Sanitary Engineering for some time because it will eliminate an existing dead end water main, and will provide a connection needed to improve the public water system in this area.

The proposed easement will be along the southern edge of the Overlook Reserve property. The location of the easement was selected to help to minimize the disturbance to the existing trees and vegetative cover on the Overlook Reserve property.

**STAFF RECOMMENDATION:**

It is therefore recommended the attached Ordinance be approved to authorize the City Manager to execute the proposed easement document to convey the necessary water main easement to Greene County.

**CITY OF BEAVERCREEK, OHIO  
ORDINANCE NO. 20-05**

SPONSORED BY COUNCIL MEMBER \_\_\_\_\_ ON THE 9<sup>TH</sup> DAY OF MARCH, 2020.

**AN ORDINANCE TO DECLARE CERTAIN CITY OWNED PROPERTY INTERESTS AS SURPLUS AND TO APPROVE THE CONVEYANCE OF A WATER MAIN EASEMENT ON CITY OWNED PROPERTY GENERALLY KNOWN AS OVERLOOK RESERVE ON THE SOUTH SIDE OF PARK OVERLOOK DRIVE.**

WHEREAS, the City of Beavercreek (the "City") owns real property and such property is commonly known as "Overlook Reserve", and

WHEREAS, the construction of a water main and related facilities requires the conveyance of a water main easement on the Overlook Reserve property to Greene County ("County"), and

WHEREAS, the City's property interests in the water main easement on the Overlook Reserve property, as proposed to be conveyed to the County, is currently not a vital property interest for the City and is no longer needed or required for municipal purposes, and thus said same property interests can be declared a surplus;

NOW THEREFORE, THE CITY OF BEAVERCREEK HEREBY ORDAINS:

SECTION I.

The property interests to be conveyed to the County for the purposes of a water main easement, as such property interests are described in Exhibit "A" attached hereto and incorporated herein, shall be and hereby are determined and declared by this Council as surplus property and this Council conveys same property interests pursuant to law.

SECTION II.

The City Manager is hereby authorized to sign, on behalf of the City, an easement deed conveying the certain water main easement to the County and which an unsigned copy of said easement deed is attached hereto as Exhibit "A".

SECTION III.

It is hereby found and determined that all formal actions of this Council concerning and relating to adoption of this Ordinance were adopted in an open

meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

ADOPTED by the Council of the City of Beavercreek, Ohio this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Bob Stone, Mayor

ATTEST:

\_\_\_\_\_  
Dianne Miscisin, Clerk of Council

#### SUMMARY

THIS ORDINANCE DECLARES CERTAIN WATER MAIN EASEMENT PROPERTY INTERESTS IN THE CITY, SITUATED AT THE OVERLOOK RESERVE PROPERTY ALONG THE SOUTH SIDE OF PARK OVERLOOK DRIVE, AS SURPLUS PROPERTY, AND APPROVES A CONVEYANCE OF SAME SURPLUS PROPERTY INTERESTS TO GREENE COUNTY. THIS IS NOT AN EMERGENCY ORDINANCE AND WILL BECOME EFFECTIVE 30 DAYS AFTER ADOPTION.

## EXHIBIT A

### EASEMENT

KNOW ALL MEN BY THESE PRESENTS that: The City of Beavercreek, the Grantor herein, in consideration of the sum of \$1.00, to be paid by Greene County, Ohio, the Grantee herein, does hereby grant, bargain, sell, convey and release to said Grantee, its successors and assigns forever, an easement, which is more particularly described in Exhibit A attached hereto, within the following described real estate:

SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF

Greene County Current Tax Parcel No. B42000100100010300

Prior Instrument Reference: OR 2707, PG 213-218, Greene County Recorder's Office.

And the said Grantor, for themselves and their successors and assigns, hereby covenants with the said Grantee, its successors and assigns, that they are the true and lawful owner of said premises, and lawfully seized of the same in fee simple, and has good right and full power to grant, bargain, sell, convey and release the same in the manner aforesaid, and that the same are free and clear from all liens and encumbrances whatsoever, except: (a) easements, restrictions, conditions and covenants of record; (b) all legal highways; (c) zoning and building laws, ordinances, rules, and regulations; and (d) any and all taxes and assessments not yet due and payable; and that Grantor(s) will warrant and defend the same against all claims of all persons whomsoever.

The easement conveyed herein is being acquired by Grantee for a public purpose, namely the establishment, construction, reconstruction, repair or maintenance of a public water main and related facilities.

IN WITNESS WHEREOF Pete E. Landrum, City Manager, hereunto sets his hand on the \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
Pete E. Landrum  
City Manager  
City of Beavercreek

STATE OF OHIO, COUNTY OF GREENE, SS:

BE IT REMEMBERED that on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me the subscriber, a Notary Public in and for said state and county, personally came the above named Pete E. Landrum, who acknowledged the foregoing instrument to be their voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

\_\_\_\_\_  
Notary Public in and for the State of Ohio

My Commission Expires: \_\_\_\_\_

This instrument prepared by:

City of Beavercreek  
1368 Research Park Drive  
Beavercreek, OH 45432

## **EXHIBIT 'A'**

### **PERMANENT WATER MAIN EASEMENT**

#### **City of Beavercreek**

Situated in The City of Beavercreek, Greene County, Ohio, Section 5 Town 2 Range 7 M.R.s, and being a permanent water main easement over a 9.50 acre tract of land conveyed to the City of Beavercreek by deed recorded in Volume 2707, Pages 213-218 in the Official Records of said county and being more particularly described as follows:

Beginning for reference at the southeastern corner of Lot 2B of the Park Overlook Partners II plat as recorded in Plat Cabinet 39, Pages 13B-14B of the plat records of said county, said point also being on the north line of Lot 311 of Spicer Heights, Section 17 as recorded in Plat Cabinet 33, Pages 876B-877A of the plat records of said county;

Thence with the east line of said Lot 2B North 05°01'47" East a distance of 10.00 feet to the True Point of Beginning;

Thence with the centerline of a new 20 foot easement through the said City of Beavercreek land the following two courses:

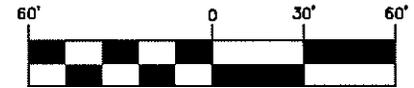
1. South 84°17'00" East, a distance of 250.00 feet.
2. South 05°43'00" West, a distance of 10.00 feet to a point on the north line of Spicer Drive, Spicer Heights, Section 15, as recorded in Plat Cabinet 33, Pages 841A-841B of the plat records of said county and there terminate. Containing 0.1195 acres more or less, subject to all easements, right-of-ways, and restrictions of record.

PARK OVERLOOK PARTNERS  
LOT 2B  
P.C. 39, PG. 13B-14B  
7.0182 Ac.

CITY OF BEAVERCREEK  
S.R. 39, PG. 22  
9.50 AC.



GRAPHIC SCALE



( IN FEET )

1 inch = 60 ft.

L1 ~ S 84°17'00" E  
250.00'

L2 ~ S 05°43'00" W  
10.00'

Section 5  
Section 4

Ex. Utility Ease.  
P.C. 37, Pg. 218A-219A  
( N 05°01'47" E )

TRUE POINT OF  
BEGINNING

10.00'

10'

20' WATER MAIN  
EASEMENT

L1

L2

COMMENCING POINT  
Stone Fd.

310

311

280

SPICER HEIGHTS  
SECTION 17  
P.C. 33, PG. 876B-877A

SPICER HEIGHTS  
SECTION 15  
P.C. 33, PG. 841A-841B

SPICER  
DRIVE

281

279

MAP TO ACCOMPANY LEGAL DESCRIPTION  
OF A 20' WIDE WATER MAIN EASEMENT  
ON CITY OF BEAVERCREEK LAND  
S.R. 39, PG. 22

LOCATED IN:  
SECTION 5, TOWN 2, RANGE 7 MRs.

CITY OF BEAVERCREEK  
GREENE COUNTY, OHIO

SCALE: 1" = 60'

CONTAINING: 0.1195 AC.



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Centerville, OH 45459  
(937) 434-4810 ph.

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**Overlook Reserve Easement**

CITY OF BEAVERCREEK  
CITY COUNCIL  
AGENDA ITEM REPORT

Meeting Date: March 9, 2020	Reference Topic: Ohio Law Enforcement Body Armor Program Grant
Agenda Reference No: VII. B.	
	Resolution 20-07

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input checked="" type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input checked="" type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other

**BACKGROUND AND STAFF SUMMARY:**

State of Ohio Attorney General Office grant is to provide 75% reimbursement of the total costs of the city's purchase of (60) ballistic plates with (30) vest carriers. Total costs of the vest carriers and ballistic plates is \$19,984.40. The grant will reimburse \$14,988.30 with the city match requirement being \$4,996.10.

The vests purchased with funding from this program will allow the police department to equip one vest in each marked and unmarked vehicle in the police fleet. This will allow officers to be able to wear these advanced body armor plates over their soft body armor to provide enhanced protection during active shooter or other critical incidents.

**STAFF RECOMMENDATION:**

Staff recommends that Council adopt this Resolution allowing the police department to accept this State of Ohio Attorney General grant opportunity.

**CITY OF BEAVERCREEK  
RESOLUTION 20 - 07**

SPONSORED BY COUNCIL MEMBER \_\_\_\_\_ ON THE 9<sup>TH</sup> DAY OF MARCH, 2020.

**TO AUTHORIZE THE BEAVERCREEK POLICE DEPARTMENT TO ACCEPT THE OHIO LAW ENFORCEMENT BODY ARMOR PROGRAM GRANT.**

THE CITY OF BEAVERCREEK HEREBY RESOLVES:

WHEREAS, the State of Ohio Attorney General's Office, provides financial reimbursement assistance to eligible law enforcement agencies; and

WHEREAS, the City of Beavercreek desires financial reimbursement assistance made available under the Ohio Law Enforcement Body Armor 2019-2020 Program Grant;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL:

SECTION I.

That the Beavercreek City Council hereby authorizes acceptance of the Ohio Law Enforcement Program Grant for financial reimbursement assistance in purchasing ballistic plates and vests to be placed in marked and unmarked fleet vehicles of the Beavercreek Police Department.

SECTION II.

That the Beavercreek City Council hereby does agree to obligate the matching funds of at least 25% and thus become eligible for reimbursement of financial aid up to 75% of project costs from the 2019-2020 Ohio Law Enforcement Body Armor Program.

SECTION III

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements including, but not limited to Section 121.22 of the Ohio Revised Code.

This Resolution shall take effect immediately.

ADOPTED BY COUNCIL this 9<sup>th</sup> day of March, 2020.



**CITY OF BEAVERCREEK  
CITY COUNCIL  
AGENDA ITEM REPORT**

<b>Meeting Date:</b> March 9, 2020	<b>Reference Topic:</b> Ordinance No. 20-06 TO APPROVE SUPPLEMENTAL APPROPRIATIONS AND CERTIFY ADDITIONAL REVENUE AND AUTHORIZE INTER FUND TRANSFERS FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2020, AND ENDING DECEMBER 31, 2020, AND TO AMEND ORDINANCE 19-30.
<b>Agenda Reference No.:</b> VII. C	

ACTION REQUESTED		
<input checked="" type="checkbox"/> Adopt Ordinance	<input type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other Motion _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input checked="" type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Human Resources
<input type="checkbox"/> Parks, Recreation & Culture	<input type="checkbox"/> Engineering	<input type="checkbox"/> Golf Course
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager

**BACKGROUND AND STAFF SUMMARY:**

**General Fund (101)**

See Street Levy Fund (203) below

**Police Levy Fund (202)**

The Police Department received notification that they have received a grant from the State of Ohio Attorney General Office for the purchase of 60 ballistic plates and 30 vest carriers to increase protection for our Officers. The total cost of this protective gear is \$19,984 and the grant pays 14,988 or 75% of the total. Therefore, the City must appropriate the entire purchase of the equipment (202-52-2610-2916 Police Equipment) and also certify the grant revenue (202-432320 Police Grants). The 25% City match will come from fund balance.

**Street Levy Fund (203)**

The City has received the first installment of the reimbursement from FEMA and the State EMA for the contractual cost of the initial debris removal. The reimbursement amount of \$818,518, represents 75% reimbursement from FEMA and the 12.5% from the State's EMA. Due to the financial strain this placed on the City's low fund balance reserves this first installment was expedited by both FEMA and the State EMA to reimburse some of the City's expenditures related to the May 27<sup>th</sup> tornado event. This expedited payment is the first installment of the approximate \$3m the City has expended and requested for reimbursement. As required by the State Auditor a FEMA fund was established to receive these payments and from there the funds are designed to reimburse the funds that had the expenditures. In this case, the funds were originally expensed out of the Street Levy fund. Therefore, the \$818,518 that was received needs to replenish the Street Levy Fund. Although the receipt and the expenditures were originally budgeted in the FEMA fund, the FEMA reimbursement to the Street Levy fund must be certified as revenue (203-432320 Reimbursement Grants).

Also, in 2019 the General Fund advanced the Street Levy Fund \$250,000 to ensure the fund balance was within the minimum fund balance policy and to provide initial funding for the tornado related expenses. With the aforementioned FEMA and EMA reimbursement, the funding is available to transfer funds from the Street Levy fund to reimburse the advance.

Therefore, the City must appropriate the funds from the Street Levy Fund (203-60-7300-7320 Transfer Out) and to transfer and therefore certify the revenue or repayment of the funds back to the General Fund (101-498750 Transfer In).

**Miscellaneous Trust Fund (750)**

The Parks Department has been accepting donations and rental payments for the Tobias Zimmer Barn and depositing them into a designated fund for the long term care of Wartinger Park. There are currently two cabins (Harshman House and Ankeny House) that need repairs which include dry wall repair, ceiling repair, fixing the porch and replacing the doors leading to the cellar. Therefore, the City would like to utilize \$4,550 of designated funds to complete these repairs. Since this amount was not in the original 2020 budget, the \$4,550 needs to be appropriated (750-54-3720-3199 Other Professional services) to complete these necessary repairs before the spring.

The Senior Center dishwasher, which was installed when the Center opened in 2005, requires replacement. This commercial dishwasher is utilized daily and must be up to health department standards. A quote has been received from Bushong Restaurant Equipment and we are waiting on other quotes to come in. The funds utilized for this unexpected purchase will be coming from the Senior Center Growth fund. Therefore, the estimated \$5,000 to cover the cost of the new equipment, delivery costs, installation and removal of the old equipment must be appropriated (750-54-3720-4436 Other Equipment). It should be noted that the Beavercreek Enrichment Association (BEA) has agreed to cover \$2,500 or 50% of the cost for the new dishwasher. Once the check from BEA is received, that money will go back into the Senior Center Growth Fund (750-471001) and therefore these funds must be certified.

**STAFF RECOMMENDATION:** Staff recommends adoption of Ordinance 20-06.

**CITY OF BEAVERCREEK, OHIO  
ORDINANCE NO. 20-06**

SPONSORED BY COUNCIL MEMBER \_\_\_\_\_ ON THE 9<sup>th</sup> DAY OF MARCH, 2020.

**TO APPROVE SUPPLEMENTAL APPROPRIATIONS AND CERTIFY ADDITIONAL REVENUE AND AUTHORIZE INTER FUND TRANSFERS FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2020, AND ENDING DECEMBER 31, 2020, AND TO AMEND ORDINANCE 19-30.**

WHEREAS, the annual appropriations for 2020 was authorized in Ordinances 19-30 it is now the desire to supplement and amend these appropriations and certify additional revenue and authorize inter fund transfers, and

NOW, THEREFORE, THE CITY OF BEAVERCREEK HEREBY ORDAINS:

SECTION I.

That to provide for current expenses and other expenditures of the City of Beavercreek during said fiscal year ending December 31, 2020, the following amounts appropriated in Ordinance 19-30 are hereby amended and the recertification of additional revenue, while preserving all other appropriations as previously approved.

<b>REVENUE FUND (FUND #)</b>	<b>INCREASE REVENUE CERTIFICATIONS</b>
GENERAL (101)	\$ 250,000
POLICE LEVY (202)	\$ 14,988
STREET LEVY (203)	\$ 818,518
MISCELLANEOUS TRUST (750)	\$ 2,500
<b>TOTAL:</b>	<b><u>\$1,086,006</u></b>

<b>EXPENSE FUND (FUND #)</b>	<b>INCREASE/DECREASE APPROPRIATIONS</b>
POLICE LEVY (202)	\$ 19,984
STREET LEVY FUND (203)	\$ 250,000
MISCELLANEOUS TRUST (750)	\$ 9,550
<b>TOTAL:</b>	<b><u>\$ 279,534</u></b>

SECTION II.

In order to conform to the amendments detailed in Section I with the schedule of 2020 annual appropriations previously approved, the Financial Administrative Services Director is hereby directed to prepare and certify a restatement of annual appropriations reflecting all approved appropriations and certify the above noted revenue.

The following summary is provided to further clarify inter fund related transactions.

<b>REVENUE FUND (FUND #)</b>	<b>TRANSFER AMOUNT</b>
GENERAL (101)	<u>\$ 250,000</u>
<b>TOTAL:</b>	<b><u>\$ 250,000</u></b>

<b>EXPENSE FUND (FUND #)</b>	<b>TRANSFER AMOUNT</b>
STREET LEVY (203)	<u>\$ 250,000</u>
<b>TOTAL:</b>	<b><u>\$ 250,000</u></b>

SECTION III.

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to, Section 121.22 of the Ohio Revised Code.

SECTION IV.

This supplement to the Annual Appropriation Ordinance shall take effect upon adoption, in accordance with Sections 10.04 and 10.10 of the Beavercreek City Charter.

PASSED this 9<sup>TH</sup> day of March, 2020.

\_\_\_\_\_  
Bob Stone, Mayor

ATTEST:

\_\_\_\_\_  
Dianne Miscisin, Clerk of Council

ORD 20-06

SUMMARY

An Ordinance to approve supplemental appropriations, certify additional revenue and authorize inter fund transfers for the Fiscal Year ending December 31, 2020.

This is a supplement to the Annual Appropriation Ordinance and in accordance with Sections 10.04 and 10.10 of the Beavercreek City Charter will become effective immediately upon its passage.

**interoffice**  
**MEMORANDUM**

---

**To:** Beavercreek City Council  
**From:** Dianne Miscisin, Clerk of Council  
**Subject:** Greene County Board of Health Appointment  
**Date:** March 5, 2020

After conferring with Melissa Howell, Greene County Public Health Commissioner, it is the desire of the Greene County Board of Health to re-appointment Andrew Root and appointment Dr. Mark Walsh as Beavercreek representatives on the Greene County Board of Health.

The appointments are for a four year term, 03/01/2020 through 02/29/2024.

## Dianne Miscisin

---

**From:** Melissa Howell <  
**Sent:** Wednesday, January 22, 2020 3:06 PM  
**To:** Dianne Miscisin  
**Subject:** Andrew Root

Hello Diane,  
We would like to keep Mr. Root on the Board of Health. He is a valuable member and current Vice President of the Board. Thank you for your consideration.

## Dianne Miscisin

---

**From:** Melissa Howell  
**Sent:** Tuesday, March 3, 2020 1:39 PM  
**To:** Dianne Miscisin  
**Subject:** RE: Mark Walsh

Yes I am ok with him being on the Board.

---

**From:** Dianne Miscisin <[miscisin@beavercreekohio.gov](mailto:miscisin@beavercreekohio.gov)>  
**Sent:** Tuesday, March 3, 2020 1:30 PM  
**To:** Melissa Howell <[mhowell@gcph.info](mailto:mhowell@gcph.info)>  
**Subject:** RE: Mark Walsh

Council is meeting on March 9<sup>th</sup>, which is the soonest council would be able to make the appointment.

If you are okay with him being on your board, I'll put the appointment of Dr. Walsh on the agenda.

*Dianne Miscisin, CMC*  
Clerk of Council  
*Certified Municipal Clerk (CMC)*

City of Beavercreek  
1368 Research Park Drive  
Beavercreek, OH 45432  
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**From:** Melissa Howell  
**Sent:** Tuesday, March 3, 2020 1:11 PM  
**To:** Pete Landrum <[landrum@beavercreekohio.gov](mailto:landrum@beavercreekohio.gov)>  
**Cc:** Dianne Miscisin <[miscisin@beavercreekohio.gov](mailto:miscisin@beavercreekohio.gov)>  
**Subject:** Mark Walsh

Hello,

I did reach out to Dr. Walsh. We discussed the responsibilities and I answered any questions he had. He is still interested and I informed him our next meeting is this Thursday at 6:30 pm at the health district. He would need a letter of appointment from you. Thank you for taking the time to fill the position on the Board.

**Melissa Howell, MS, MBA, MPH, RN, RS**  
Health Commissioner

**interoffice**  
**MEMORANDUM**

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**To:** Beavercreek City Council  
**From:** Dianne Miscisin, Clerk of Council  
**Subject:** Community Reinvestment Area Housing Council  
**Date:** March 5, 2020

After re-reviewing the procedure of creating the Community Reinvestment (CRA) Housing Council, the process of making the appointments to this council was completed incorrectly. At the April 22, 2019 meeting, it was asked that four individuals be appointed to this council. At the February 24, 2020 meeting, three more individuals were also appointed. This is a total of seven residents being appointed by Council. Only one of the seven appointees has been sworn in at this time.

The correct procedure to appoint the members of the CRA Housing Council is as follows:

- Two members are appointed by Council
- Two members are appointed by the Mayor
- One member is appointed by the Planning Commission
- Two members are appointed by the majority of the CRA Housing Council (meaning the above five members)

To correct this, legal counsel has advised that Council unappoint all of the appointed members with the exception of the one member who has already been sworn in. All of the appointees have been alerted to the situation and all are aware of the fact that they may not be appointed onto this council but are willing to serve in another capacity where needed on another board.

The names of the appointees that need to be un-appointed are Keith Ayers, John Compton Shannon Graham, Loren Ross, Brian Smith and Zach Upton.

Because of the one appointee who was already sworn in, Jason Scott, Council will need to only appoint one person to the CRA Housing Council.

Planning Commission, during the March 4, 2020 meeting appointed Mike Self, to the CRA Housing Council.

The Mayor will make his appointments in writing.

These five members will make the last two appointments at the first meeting of the CRA Housing Council.

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. DISCUSSION ITEMS
  - A. Decision Point, Alternative Revenue Income Tax
- V. COUNCIL COMMITTEE/EVENT UPDATES
- VI. ADJOURNMENT

DRAFT

INTRODUCTIONS

- ◆ New Officers – Officer Kayleigh Bernt and Dylan Zimmerman

PROCLAMATIONS

- ◆ Volunteer Month - April

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND PRAYER/MOMENT OF SILENCE – Council Member Garcia
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
- VI. ORDINANCES, RESOLUTIONS AND PUDS
- VII. COUNCIL TIME
- VIII. MAYOR'S REPORT
- IX. CITY MANAGER'S REPORT
- X. CITIZEN COMMENTS
- XI. ADJOURNMENT

DRAFT

# PLANNING DEPARTMENT STATUS REPORT

*March 5, 2020*

## CITY COUNCIL

### April 13, 2020

- PC 20-3, Land Use Plan Update, public hearing
- PC 20-4, Zoning Code Update, public hearing

### April 27, 2020

- PC 20-3, Land Use Plan Update, 2<sup>nd</sup> reading
- PC 20-4, Zoning Code Update, 2<sup>nd</sup> reading

### Tabled / Delayed / Pending

-

**PLANNING COMMISSION**

April 1, 2020

Tabled / Delayed / Pending

- 

Commercial Permits Submitted and Under Review

- IH Credit Union
- Marriot Dual Brand Hotel
- Darst Road Medical Building

**BOARD OF ZONING APPEALS**

March 11, 2020

- No cases

Currently Tabled or Delayed

- V-19-6, GNS Investment Properties, 3878 Indian Ripple Road
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