



**AGENDA
CITY COUNCIL
Work Session – April 15, 2019 5:00 p.m.
Council Chambers**

*1368 Research Park Dr
Beavercreek, Ohio*

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. DISCUSSION ITEMS
 - A. Zoning Code Updates
 - B. Slow Speed Vehicles
 - C. 2020 Census
- V. INFORMATIONAL ITEMS
 - A. 2018 Purchasing Card Rebate
 - B. Resurfacing and Curb Plan
- VI. COUNCIL COMMITTEE/EVENT UPDATES
- VII. ADJOURNMENT

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

| | |
|-------------------------------------|---|
| Meeting Date: April 15, 2019 | Reference Topic: Zoning Code Updates |
| Agenda Reference No. | |

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

| 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 checked="" 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 _____ |

Attached is list of proposed changes to the Zoning Code staff has been compiling over the last several months.

' 158.118 USE, PARKING AND STORAGE OF VEHICLES AND RECREATIONAL VEHICLES.

(B) *Commercial, construction and industrial vehicles and equipment.* The overnight parking or storage outside a fully enclosed building of any commercial vehicle is prohibited within any residentially zoned district or on any lot used for residential purposes. Commercial vehicles include step up vans, heavy trucks, semi-trailers, truck tractors, tractor trailers, moving vans, delivery trucks, box trucks, dump trucks, tow trucks, wreckers, buses, school buses, cranes, draglines, earthmovers, bulldozers, backhoes, trenchers or similar vehicles. The term also applies to any commercial vehicles which are used or licensed as a recreational vehicle and any vehicles used as a platform to hoist cranes, compressors, tank(s), ladder trucks, or similar equipment or as a means of transporting or storing a commercial vehicle. The overnight parking or storage of heavy trucks, semi-trailers, truck tractors, tractor trailers or similar vehicles is prohibited within any commercially zoned district or on any lot used for commercial purposes, except in areas designated and provided for standing, loading and unloading services, as defined in ' 158.113 OFF-STREET LOADING REGULATIONS.

(D) *Yard parking.*

(1) No person shall park or leave unattended, or cause to leave parked or unattended, any vehicle wholly or partially within any yard of any residential or commercial property, including adjacent public right-of-way (up to the edge of the road pavement), unless such vehicle is wholly within a driveway or parking area.


APPENDIX B

| | B-1 | B-2 | B-3 | B-4 | I-1 | I-2 | O-1 | ORP-1 | RP-1 |
|--|-----|-----------|-----|-----|-----|-----|-----|-------|------|
| Pet sales and supply stores | | <u>C</u> | X | X | | | | | |
| Tattoo and piercing parlor | | <u>ex</u> | X | X | | | | | |
| Tattoo removal center | | <u>ex</u> | X | X | | | | | |

MEMORANDUM

TO: City Council

CC: Pete E. Landrum, City Manager
Dennis Evers, Police Chief

FROM: Stephen M. McHugh 

DATE: April 11, 2019

RE: Golf Carts or Slow Speed Vehicles

Pursuant to R.C. 4501.01(XX), a "Under-speed vehicle" is "a three- or four-wheeled vehicle, including a vehicle commonly known as a golf cart, with an attainable speed on a paved level surface of not more than twenty miles per hour and with a gross vehicle weight rating less than three thousand pounds.

Based on my read of R.C. 4511.214 and 4511.215 and BCO 73.05 (in particular see highlighted portions of attached code sections), it is clear to me that anyone in the City of Beavercreek operating a golf cart on a public road is in violation of R.C. 4511.214 and BCO 73.05 and could be cited for the violation. Pursuant to R.C. 4511.214(D), anyone guilty of violating R.C. 4511.214(A) is guilty of a minor misdemeanor (though the degree of the offense could be higher if there was more than one violation in a specified time period). BCO 73.05(D) also provides that anyone violating 73.05(A) is guilty of a minor misdemeanor (though, again, the degree of the offense could be more severe for multiple violations within a specified time period).

So long as Beavercreek does not currently have an ordinance (or a resolution) that specifically authorizes under-speed vehicles to be driven within its jurisdiction (and I can find no evidence of any specific ordinance or resolution authorizing the use of under-speed vehicles within the City's jurisdiction), the City can in my opinion give a traffic citation to anyone caught driving these vehicles on public streets.

If the City wants to prohibit under-speed vehicles, Council could adopt an ordinance and specifically prohibit them. That might help to clear up any confusion there is out there on this subject. The Beavercreek code section could cause some confusion as the title alone would lead one to assume, incorrectly, that it is legal to operate these vehicles on City streets.

A person could further assume especially in light of seeing UPS carts on the City streets that the City has authorized their use on City streets as this section allows Council to do. As Council has not as far as I know allowed these vehicles, there is no legal authorization for their use on City streets.

Additionally, the code does not provide for optional state inspection of the carts. A "local law enforcement agency" must conduct the inspection. Beavercreek Officers will be required to conduct the inspections of carts are allowed on City streets. Alternatively, it might be possible for the City to contract with another local law enforcement agency to do the inspections and certify a cart complies with the law. This is not something I have explored. Council could also impose more stringent requirements on their operation in the City then are provided for in the state code. An example would be to limit the hours of operation to day time only.

At present I have found no authority for UPS to operate golf carts on City streets. I would like to know how and why UPS think they can operate as they are doing. The Ohio code is very clear that their operation on City streets have to be authorized by the local jurisdiction. It has not been authorized. Even if their carts are inspected and licensed somewhere else in Ohio, this does not in my opinion give them the right to operate on Beavercreek City streets.

Hope this memo is of assistance. Please let me know if you want me to do anything further on this.

Regional Planning and Coordinating Commission of Greene County

651 Dayton-Xenia Road • Xenia, Ohio 45385-2699
Phone 937-562-7480 • Fax 937-562-7485



J. Devon Shoemaker, AICP, Executive Director
E-mail: dshoemaker@co.greene.oh.us

March 29, 2019

Member Jurisdictions

Greene County

Cities

Bellbrook
Fairborn

Villages

Clifton
Jamestown
Spring Valley
Yellow Springs

Townships

Bath
Beavercreek
Caesarscreek
Cedarville
Jefferson
Miami
New Jasper
Ross
Silvercreek
Spring Valley
Sugarcreek
Xenia

City of Beavercreek
Attn: Pete Landrum
1368 Research Park Drive
Beavercreek, Ohio 45432



SUBJECT: GREENE COUNTY - COMPLETE COUNT COMMITTEE

Dear Mr. Landrum,

The Decennial Census is rapidly approaching. The goal of the 2020 Census is to count everyone once, only once, and in the right place. A complete and accurate count is vital because it affects representation in congress, distribution of federal and state funds to local governments and schools, business decisions, and infrastructure projects just to name a few. Census data is used to distribute of more than \$675 billion dollars of federal funds annually. Magnifying the importance to count everyone, local governments, schools, universities, and service organizations in Greene County **lose thousands of dollars for each uncounted person.**

Given the importance of the 2020 Census, the Greene County Board of Commissioners appointed the RPCC to establish and coordinate a Complete Count Committee for Greene County. What is a Complete Count Committee? A CCC is a volunteer committee organized to increase awareness and motivate residents to respond to the 2020 Census. Our goals are (1) to increase the response rate through education, promotion, and motivation; (2) to design and implement a Census awareness campaign responsive to Greene County's unique needs; and (3) to bring together a cross section of our Greene County community whose focus is Census awareness.

It is important that your jurisdiction or organization participate in this endeavor. We ask that you appoint a person to the CCC. **It will be the responsibility of this person to attend CCC meetings and to implement a Census awareness campaign within your jurisdiction or organization.** Your appointee should have local knowledge of the community, and the authority or support to implement a census education and awareness campaign tailored to your community to increase census participation.

RECEIVED

4.3.19
CITY MANAGERS OFFICE

Appointees Role:

- Identify barriers, groups, or concerns that may impede a complete count in their community.
- Build awareness of the census and its benefits and motivate response through social media, newsletters, and other communications.
- Implement an education and awareness campaign for their community.
- Utilize available resources provided by RPCC, MVRPC, and the Census Bureau.

Meeting Commitment:

We plan to hold a minimum of four meetings during this process, two for the balance of 2019 and two during the first quarter of 2020. Subcommittees may form for the benefit of similar organizations such as universities and colleges, or local school districts, etc. Subcommittees may hold additional meetings.

Timeline:



Regional Planning and Coordinating Commission Role:

- Coordinate and facilitate CCC meetings.
- Provide technical support to CCC members.
- Disseminate promotional and branding materials to CCC members as provided by the Census Bureau or developed by staff. This will mostly be electronic materials for use with social media, PSA's, websites, etc.
- Coordinate Greene County's contribution to this campaign by utilizing available County resources for education and awareness and motivation.
- Develop countywide promotional ideas and products for dispersal at community events .
- Compile data and record efforts taken by CCC and RPCC and provide a final report to the Board of Commissioners, MVRPC, and Census Bureau.

Please notify me by Friday, April 19th of who your appointee will be along with their email, address, and phone number. We will hold a kickoff meeting in May because the clock is ticking. We look forward to your participation in this worthy effort. If you have any questions please give us a call.

Sincerely,

J. Devon Shoemaker, AICP

Executive Director

INTER-OFFICE MEMORANDUM

April 11, 2019

Memo To: Honorable Mayor and Members of City Council
Through: Pete Landrum, City Manager
From: Bill Kucera, Financial Administrative Services Director
Subject: 2018 Purchasing Card Rebate


The City recently updated the purchasing card policy to ensure compliance with the new state guidelines. Within the policy is the requirement to report any purchasing card rebate to City Council when it is received. The City has received the purchasing card rebate of \$7,727.75 from Fifth Third Bank. This rebate is based on our current agreement with Fifth Third which provides a rebate based on different tiered levels of card activity with a minimum starting level of \$500,000.

This year was higher than previous years (average \$4,000) as the City was very close to not meeting the minimum threshold. Therefore the Bureau of Workers Compensation annual premium was paid at the end of December to get the City in rebate status. However, generating this increased activity in 2018 will more than likely will eliminate the opportunity to achieve a rebate in 2019.

This rebate, per our internal procedures, is allocated back to the funds (General, Police, Streets, Parks, and Golf Course) that generated the purchasing card activity. The allocation places the revenue for the rebate in the Refunds and Reimbursement revenue line item, which can then be used by the departments for any government purpose. In the past these funds have been used to upgrade technology, i.e. computers, software, etc.

Should you have any questions about this rebate or our process, please feel free to contact me.

interoffice
MEMORANDUM

To: Pete Landrum, City Manager
From: Mike Thonnerieux, Public Administrative Services Director 
CC: Jeff Moorman, City Engineer
Subject: Resurfacing and Curb plan 2019
Date: April 5, 2019

The Engineering division recently secured bids for curb and resurfacing for the 2019 season. Prior to implementation the division reviews our procedure for paving and curb maintenance to ensure an orderly, consistent and fiscally responsible process for roadways within the City limits. The procedure provides guidelines for inspection of curb and roadway conditions, curb and roadway repair, and roadway resurfacing. This procedure applies to all existing curbs and roadways within the public right of way.

Several roadways on the resurfacing program this year have roll back curb that is need of repair. In an effort to be as fiscally responsible as possible staff is recommending spot repairing the roll back cub rather than installing chair back curb for the length of the road. In cases where curbing at driveway approaches is in need of replacement, drop curb shall be installed and any necessary work on driveway approach to match the grade of the new drop curb shall be performed. This will allow the property owner easier access to their driveway and significantly reduce the number of driveway wedges that create ponding and add to the deterioration of the roadway and curbs.

This will lead to increased expenses of approximate \$210,000 for curb repair however these expenses will be covered as part of the paving program. However, this is significantly less than removing all of the roll back curb and replacing it with chair back curb. No additional funds will be need to be allocated. It is anticipated and that the City will still be able to complete over 10 miles in our resurfacing program which including several wide section of roadway including North Fairfield and Dayton Xenia. This change in procedure will allow staff to continue to meet the Council directive that curbs and roadways shall be kept in good repair by and at the expense of the City. By implementing this new procedure we will be able to repair the curb ahead of the resurfacing rather than resurface the road without repairing the crumbling and damaged curbs of the roads being resurfaced.

Should you have any questions or wish to discuss this further please contact this office.



CITY COUNCIL
Regular Meeting – April 22, 2019 6:00 p.m.
Council Chambers

PROCLAMATIONS

- ◆ Arbor Day
- ◆ Older Americans' Month

PRESENTATIONS

- ◆ UES Fourth of July Donation, Lisa Oxendine and Ruth Carpenter
- ◆ Vault 6936 Robotics Team

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND PRAYER/MOMENT OF SILENCE – Mayor Stone
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
- VI. ORDINANCES, RESOLUTIONS AND PUDS
 - A. Resolution 19-26 Authorizing City Manager to sign Fraternal Order of Police Agreement
- VII. COUNCIL TIME
- VIII. MAYOR'S REPORT
- IX. CITY MANAGER'S REPORT
- X. CITIZEN COMMENTS
- XI. ADJOURNMENT

DRAFT

PROCLAMATIONS

- ◆ National Police Week
- ◆ Kids to Parks Day
- ◆ National Bike Month

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND PRAYER/MOMENT OF SILENCE – Vice Mayor Garcia
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
- VI. PRE-SCHEDULED PRESENTERS
 - A. Carolyn Tepe, U.S. Census Bureau
- VII. PUBLIC HEARING – PUD 19-1, IH Credit Union
 - A. Applicant Presentation
 - B. Staff Presentation
 - C. Public Input
 - D. Council
 - E. Ordinance 19- _____
- VIII. ORDINANCES, RESOLUTIONS AND PUDS
- IX. COUNCIL TIME
- X. MAYOR'S REPORT
- XI. CITY MANAGER'S REPORT
- XII. CITIZEN COMMENTS
- XIII. ADJOURNMENT

PLANNING DEPARTMENT STATUS REPORT

April 9, 2019

CITY COUNCIL

April 22, 2019

-

May 13, 2019

- PUD 19-1, IH Credit Union- Beaver Creek Branch, first reading

May 28, 2019

- PUD 19-1, IH Credit Union- Beaver Creek Branch, second reading

June 10, 2019

- PUD 19-1, IH Credit Union- Beaver Creek Branch, third reading

Tabled / Delayed / Pending

- PC 19-3, Thoroughfare Plan, public hearing

PLANNING COMMISSION

May 1, 2019

- PUD 06-3 SSP #4, Homestead Village, public hearing (Tabled until May meeting.)

Tabled / Delayed / Pending

- PC 19-2 ASRA, Zip's Car Wash, public hearing (Tabled indefinitely)

Commercial Permits Submitted and Under Review

- Dollar General
- Noah's Event Venue
- Dunkin Donuts

BOARD OF ZONING APPEALS

April 10, 2019

-

May 8, 2019

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Currently Tabled or Delayed

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