



CITY COUNCIL
Regular Meeting – September 9, 2019 6:00 p.m.
Council Chambers

PRESENTATIONS

- ◆ City of Peace Childrens Artwork

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND PRAYER/MOMENT OF SILENCE – Council Member Litteral
- IV. APPROVAL OF AGENDA
- V. ORDINANCES, RESOLUTIONS AND PUDS
 - A. Ordinance 19-16 Establishing New Fiduciary and Special Revenue Fund in Conformity with Generally Accepted Accounting Principles (Third Reading)
 - B. Ordinance 19-19 Additional Appropriations (Single Reading)
- VI. LIQUOR PERMITS
 - A. Brinker Restaurant Corp DBA Chilis Bar & Grill (Transfer)
- VII. COUNCIL TIME
- VIII. MAYOR'S REPORT
- IX. CITY MANAGER'S REPORT
- X. CITIZEN COMMENTS
- XI. ADJOURNMENT

Agenda Item V. A.
Third Reading

**ORDINANCE NO. 19-16
CITY OF BEAVERCREEK, OHIO**

SPONSORED BY COUNCIL MEMBER VANN ON THE 12th DAY OF AUGUST, 2019.

AN ORDINANCE TO ESTABLISH A NEW SPECIAL REVENUE FUND AND FIDUCIARY FUND IN CONFORMITY WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES

WHEREAS, the City experienced a FEMA qualifying disaster on May 27th and the agency has declared the City eligible for Public Assistance grant funding,

WHEREAS, the City is required, per the Auditors of State Bulletin 98-013, to establish a separate and distinct special revenue fund to account for the transactions related to this event,

WHEREAS, the City and per City Council approved Resolution 19-28 to create a new City wide Energy Special Improvement District (ESID) for the purpose of funding capital improvements with Property Assessed Clean Energy (PACE) bonds, and

WHEREAS, the City is required to establish a separate and distinct fiduciary fund to account for special assessments revenue and the semi-annual transfers of these proceeds to the bond trustee per the cooperative agreement, and

NOW, THEREFORE, THE CITY OF BEAVERCREEK HEREBY ORDAINS:

SECTION I.

That in conformity of general accepting accounting principles and in compliance with the Ohio Revised Code, the following new funds will be established;

Federal Emergency Management Fund (FEMA) (250). This special revenue fund shall be utilized to record expenditures and reimbursement grant revenue related to FEMA certified disaster events.

Beavercreek Energy Special Improvement District Fiduciary Fund (630). This fiduciary fund shall be utilized to receive the special assessments generated as part of the Property Assessed Clean Energy (PACE) bond program to be used to pay the debt service on the bonds per the cooperative agreement.

SECTION II.

This ordinance shall take effect from and after the earliest period allowed by law.

PASSED this 9th day of September, 2019.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

ORD 19-16

SUMMARY

AN ORDINANCE TO ESTABLISH A NEW SPECIAL REVENUE AND FIDUCIARY FUND IN CONFORMITY WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.

THIS IS NOT AN EMERGENCY ORDINANCE AND SO IT WILL BECOME EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE.

AEC

CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT

Meeting Date: September 9, 2019 Agenda Reference No: VI. A.	Reference Topic: Transfer Liquor Permit Brinker Restaurant Corp DBA Chili's Bar & Grill
Motion to Accept Without Comment	

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

Ohio Division of Liquor Control sent police notification of a request to transfer a D1, D2, D3 and D6 liquor permit from Brinker Restaurant Corp. DBA Chili's Bar & Grill, 2762 N. Fairfield Rd. Beavercreek, Ohio 45434 to ERJ Dining IV LLC, DBA Chili's Bar & Grill 2762 N. Fairfield Rd. Beavercreek, Ohio 45434. The background checks required by the Department of Commerce Division of Liquor Control were conducted on the business officer(s)/shareholder(s) for this application request.

STAFF RECOMMENDATION:

Staff is recommending this application request move forward without comment.

NOTICE TO LEGISLATIVE
AUTHORITY

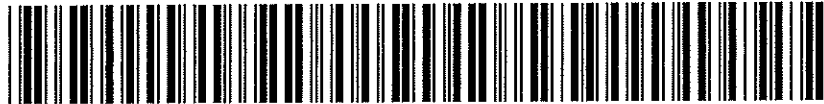
OHIO DIVISION OF LIQUOR CONTROL
8606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

09567320130 <small>PERMIT NUMBER</small>		TRFO <small>TYPE</small>	BRINKER RESTAURANT CORP DBA CHILIS BAR & GRILL 2762 N FAIRFIELD BEAVERCREEK OHIO 45434
06	01	2019 <small>ISSUE DATE</small>	
08	21	2019 <small>FILING DATE</small>	
D1 D2 D3 D6 <small>PERMIT CLASSES</small>			
29	005	A	F22925 <small>RECEIPT NO.</small>

FROM 08/23/2019

23913550010 <small>PERMIT NUMBER</small>			ERJ DINING IV LLC DBA CHILIS BAR & GRILL 2762 N FAIRFIELD BEAVERCREEK OHIO 45434
06	01	2019 <small>ISSUE DATE</small>	
08	21	2019 <small>FILING DATE</small>	
D1 D2 D3 D6 <small>PERMIT CLASSES</small>			
29	005		



MAILED 08/23/2019

RESPONSES MUST BE POSTMARKED NO LATER THAN. 09/23/2019

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES

A TRFO 0956732-0130

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF BEAVERCREEK CITY COUNCIL
1368 RESEARCH PARK DR
BEAVERCREEK OHIO 45432

Restaurant / Night Club

Permit Class	Permit Fee	Description
D1	\$376	<u>ORC 4303.13</u> Beer only for on premises consumption or in original sealed containers for carry out only until 1:00am.
D2	\$564	<u>ORC 4303.14</u> Wine and mixed beverages for on premises consumption or in original sealed containers for carryout only until 1:00am.
D2X	\$376	<u>ORC 4303.141</u> (Grandfathered Permit) Beer only for on premises consumption or in original sealed containers for carryout only until 1:00am.
D3	\$750	<u>ORC 4303.15</u> Spirituous liquor for on premises consumption only until 1:00am.
D3X	\$300	<u>ORC 4303.151</u> (Grandfathered Permit) Wine only for on premises consumption until 1:00am.
D3A	\$938	<u>ORC 4303.16</u> Extend issued permit privileges until 2:30am.
D5	\$2,344	<u>ORC 4303.18</u> Spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30am.
D5I	\$2,344	<u>ORC 4303.181</u> (Same as D5). Restaurant meeting certain criteria.
D7	\$469	<u>ORC 4303.183</u> (Same as D5). RESORT area only.

>Club

Permit Class	Permit Fee	Description
D4	\$469	<u>ORC 4303.17</u> Beer and any intoxicating liquor to members only, for on premises consumption only until 1:00am.
D4A	\$750	<u>ORC 4303.171</u> Airline club only - Beer and any intoxicating to members and guests until 2:00am.
D5C	\$1,563	<u>ORC 4303.181</u> (Same as D5.)(This class can no longer be applied for.)
D5D	\$2,344	<u>ORC 4303.181</u> (Same as D5) located at airport.

Hotel And Motel

Permit Class	Permit Fee	Description
D5A	\$2,344	<u>ORC 4303.181</u> (Same as D5) for hotel or motel with 50 or more rooms for transient guests.

Enclosed Shopping Mall

Permit Class	Permit Fee	Description
D5B	\$2,344	<u>ORC 4303.181</u> (Same as D5) for enclosed shopping mall.

River Boats

Permit Class	Permit Fee	Description
D5E	\$1,219	<u>ORC 4303.181</u> (Same as D5). Historical river boat owned by charitable organization only.

Marinas

Permit Class	Permit Fee	Description
D5F	\$2,344	<u>ORC 4303.181</u> (Same as D5). Marina restaurant only.

Museums

Permit Class	Permit Fee	Description
D5G	\$1,875	<u>ORC 4303.181</u> (Same as D5). National sports museum only.
D5H	\$1,875	<u>ORC 4303.181</u> (Same as D5 – except sales till one am). Non-Profit organization exempt from federal income taxation, that owns a fine arts museum, community arts center or community theater.

Community Entertainment District/Revitalization

Permit Class	Permit Fee	Description
D5J	\$2,344	<u>ORC 4303.181</u> (Same as D5). Community Entertainment District.
D5L	\$2,344	<u>ORC 4303.181</u> (Same as D5). Revitalization District.

Sunday Sales

Permit Class	Permit Fee	Description
D6	\$400-c \$500-d	<u>ORC 4303.182</u> Sale of intoxicating liquor on Sunday between the hours 10:00am or 11:00am and midnight.

Other

Permit Class	Permit Fee	Description
D5K	\$1,875	<u>ORC 4303.181</u> (Same as D5 – except sales till one am). Certain non profit organizations that own and operate a botanical garden.
D5M	\$2,344	<u>ORC 4303.181</u> (Same as D5). Restaurant affiliated with center for the preservation of wild animals.
D5N	\$20,000.00	<u>ORC 4303.181(N)</u> (Same as D5). Casino Operator or Casino Management Company.
D5O	\$2344.00	<u>ORC 4303.181(O)</u> (Same as D5). Restaurant located in a casino.
E	\$500	<u>ORC 4303.19</u> Railroad car or airline to sell beer or any intoxicating liquor at retail in glass or from container for consumption in such car or aircraft.
G	\$100	<u>ORC 4303.21</u> Retail drug store (alcohol for medicinal, industrial, mechanical, chemical, or scientific purposes).
H	\$300	<u>ORC 4303.22</u> Carrier by rail or for hire motor carrier who also holds a license issued by the public utilities commission to transport beer, intoxicating liquor, and alcohol, or any of these, in this state or delivery or use in this state.
I	\$200	<u>ORC 4303.23</u> Wholesale druggist (purchase - import alcohol for sale at wholesale and retail).

Temporary Permits

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

PEL

Meeting Date: September 9, 2019 Agenda Reference No.: V -B	Reference Topic: Ordinance No. 19-19 TO APPROVE SUPPLEMENTAL APPROPRIATIONS AND CERTIFY ADDITIONAL REVENUE FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2019, AND ENDING DECEMBER 31, 2019, AND TO AMEND ORDINANCE 18-28, 19-01, 19-03, 19-12, 19-17 AND 19-18.
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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 checked="" type="checkbox"/> Golf Course
<input type="checkbox"/> Police	<input checked="" type="checkbox"/> Public Service	<input type="checkbox"/> City Manager

BACKGROUND AND STAFF SUMMARY:

Street Levy Fund (203)

The City received federal grant funding through the Miami Valley Regional Planning Committee (MVRPC) for the purchase of right of way (ROW) for the Shakertown Road construction project in 2018. The ROW purchases came in well under budget and the City petitioned to utilize these funds for the \$4.02m construction phase of this project (budgeted in 2019). The request was granted and the City received notification that \$220,000 from the ROW phase of the project can be transferred and applied to the construction phase. Therefore, this project grant reassignment has the effect of reducing the City's local share on this project. Since the additional \$220,000 in revenue was not budget, the City has to certify this pass through grant revenue in order to recognize the additional funding. (203-432322 ODOT Grants (Pass Through)).

Street Maintenance Fund (204)

As part of the funding for tornado debris removal, the City decided to delay the additional streets that are normally added to the annual base street program. This will allow the City to release and redirect \$351,000 for emergency debris removal. Although these funds are available for use on a cash basis, on a budgetary basis these funds must be unappropriated to officially release the funds. Therefore, this amount has to be unappropriated in the Street Levy fund (204-57-3330-3540 Other Maintenance).

Golf Course (572)

The golf course sustained damage to the roofs at the golf maintenance facility and the small training and fitting building next to the driving range as a result of the May 27th tornado event. This damage will be covered by Miami Valley Risk Management Association (MVRMA) under the property insurance. The quotes have been received and the funds will be paid directly to the vendor. Even though these funds will be directly paid to the vendor, the Ohio Revised Code requires that this transaction be recorded through our financial accounting system much like pass through grants. Therefore, the City must appropriate \$38,606 to repair the roofs (572-58-5000-4800 Building Renovations) and since the insurance claim will be paid at 100%, the City must also certify revenue for the same amount (572-497000 Refunds and Reimbursements).

STAFF RECOMMENDATION: Staff recommends adoption of Ordinance 19-19.

**CITY OF BEAVERCREEK, OHIO
ORDINANCE NO. 19-19**

SPONSORED BY COUNCIL MEMBER _____ ON THE 9th DAY OF SEPTEMBER, 2019.

TO APPROVE SUPPLEMENTAL APPROPRIATIONS AND CERTIFY ADDITIONAL REVENUE FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2019, AND ENDING DECEMBER 31, 2019, AND TO AMEND ORDINANCES 18-28, 19-01, 19-03, 19-12, 19-17 AND 19-18.

WHEREAS, the annual appropriations for 2019 was authorized in Ordinances 18-28, 19-01, 19-03, 19-12, 19-17 and 19-18 it is now the desire to supplement and amend these appropriations and certify additional revenue, 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, 2019, the following amounts appropriated in Ordinance 18-28 19-01, 19-03, 19-12, 19-17 and 19-18 are hereby amended and the recertification of additional revenue, while preserving all other appropriations as previously approved.

REVENUE FUND (FUND #)	INCREASE REVENUE CERTIFICATIONS
STREET LEVY FUND (203)	\$ 220,000
GOLF COURSE (572)	<u>\$ 38,606</u>
TOTAL:	<u>\$ 258,606</u>

EXPENSE FUND (FUND #)	INCREASE/DECREASE APPROPRIATIONS
STREET CAPITAL IMPROVEMENT FUND (204)	\$ (351,000)
GOLF COURSE (572)	<u>\$ 38,606</u>
TOTAL:	<u>\$ (321,394)</u>

SECTION II.

In order to conform to the amendments detailed in Section I with the schedule of 2019 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.

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 Beaver Creek City Charter.

PASSED this 9th day of September, 2019.

Bob Stone, Mayor

Dianne Miscisin, Clerk of Council

ORD 19-19

SUMMARY

An Ordinance to approve supplemental appropriations, certify additional revenue for the Fiscal Year ending December 31, 2019.

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



**AGENDA
CITY COUNCIL**

1368 Research Park Dr
Beavercreek, Ohio

**Work Session – September 12, 2019 6:30 p.m.
Beavercreek School Administration Building
3040 Kemp Road**

CALL TO ORDER

- I. ROLL CALL
- II. PLEDGE OF ALLEGIANCE
- III. APPROVAL OF AGENDAS
 - A. City of Beavercreek
 - B. Beavercreek Board of Education
- IV. DISCUSSION ITEMS
 - A. Road Projects – City
 - B. Economic Development – City
 - C. Partnerships – City/Schools
 - D. Start of 2019-2020 School Year – Schools
 - E. Finances – Schools
 - F. Growth/Development/Master Facilities Plan – Schools
 - G. Roundtable Discussion – City/Schools
- V. APPROVAL OF MEETINGS HELD – Schools
 - A. Minutes for August 2019 Board of Education Meeting August 15, 2019
Regular Board Meeting
- VI. QUESTIONS AND /OR COMMENTS FROM THE PUBLIC
- VII. FINANCIAL REPORTS REQUEST – ITEMS FOR SCHOOL BOARD ACTION
 - A. August 2019 Financial Reports
 - B. FY20 Amended Certificate of Estimated Resources
 - C. August 2019 Donated Items
- VIII. NEW BUSINESS – ITEMS FOR SCHOOL BOARD ACTION
 - A. Employment, Salary Changes, Leaves of Absence, Terminations, Job Descriptions
 - B. Approval of NEOLA Policy 5460 – Graduation Requirements (presented 8/15/19)
 - C. Approval of Master Facilities Plan
- IX. ANNOUNCEMENTS – SCHOOLS
 - A. Homecoming Parade 6:00 p.m. – September 19, 2019
 - B. No School – Professional Development Day – September 20, 2019
 - C. Board of Education Work Session – 5:30 p.m., - September 30, 2019
 - D. No School – Professional Development Day – October 14, 2019
 - E. Board of Education Meeting – 6:30 p.m. – October 17, 2019
 - F. End of Grading Period – 1 Hour Early Dismissal – October 18, 2019
- X. CITY COUNCIL/BOARD MEMBER COMMENTS
- XI. ADJOURNMENT



CITY COUNCIL
Regular Meeting – September 23, 2019 6:00 p.m.
Council Chambers

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND PRAYER/MOMENT OF SILENCE – Council Member Rushing
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
- VI. ORDINANCES, RESOLUTIONS AND PUDS
 - A. Ordinance 19-___ Repealing and Adopting New Chapter 137
 - B. Resolution 19-50 Rotary Park Lease Agreement with Greene County
 - C. Resolution 19-___ Cemetery Master Plan, Jose Castregon, McGill, Smith, Punshon Inc presenting
 - D. Resolution 19-___ Accepting Amounts and Rates and Certifying Them to the County
- VII. COUNCIL TIME
- VIII. MAYOR'S REPORT
- IX. CITY MANAGER'S REPORT
- X. CITIZEN COMMENTS
- XI. ADJOURNMENT

DRAFT

PLANNING DEPARTMENT STATUS REPORT
September 5, 2019

CITY COUNCIL

October 14, 2019

- PC 19-5 ASRA, Panera, public hearing
-

Tabled / Delayed / Pending

-

PLANNING COMMISSION

October 2, 2019

- PUD 19-1 SSP #1, IH Credit Union, public hearing (Case was tabled per applicant's request)
- PUD 519 MOD 8/19, Minor, Beaver Valley Shopping Center- Ground Sign

Tabled / Delayed / Pending

Commercial Permits Submitted and Under Review

- Noah's Event Venue

BOARD OF ZONING APPEALS

September 11, 2019

- CU-19-2, American Tower, 4040 Graham Drive
- V-19-3, Michael Krouse, 4212 Golden Eagle Court

Currently Tabled or Delayed

-
-