



CITY COUNCIL
Regular Meeting – January 27, 2020 6:00 p.m.
Council Chambers

1368 Research Park Dr
Beaver Creek, Ohio

PRESENTATION

- ◆ Beaver Creek High School Girls' Cross Country Team

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND PRAYER/MOMENT OF SILENCE – Mayor Stone
- IV. APPROVAL OF AGENDA
- V. ORDINANCES, RESOLUTIONS AND PUDS
 - A. Ordinance 20-01 Z-19-2 Henkle Rezoning (Second Reading)
 - B. Resolution 20-03 Cedarbrook Flower Farms Assessment Project – Resolution of Necessity
 - C. Ordinance 20-02 Cedarbrook Flower Farms Assessment Project – Ordinance to Proceed (First Reading)
 - D. Ordinance 20-03 Motor Vehicle License Tax (First Reading)
 - E. Resolution 20-04 N. Fairfield Road at Rock Drive Traffic Signal Installation Agreement
- VI. DECISION ITEMS
 - A. Council Appointments to Local Agencies
- VII. COUNCIL TIME
- VIII. MAYOR'S REPORT
- IX. CITY MANAGER'S REPORT
- X. CITIZEN COMMENTS
- XI. EXECUTIVE SESSION
- XII. DECISION ITEMS
 - A. Selection of Interview Candidates to Fill Council Seat Vacancy
- XIII. ADJOURNMENT

CITY OF BEAVERCREEK, OHIO

ORDINANCE NO. 20-01

SPONSORED BY COUNCIL MEMBER RUSHING ON THE 13TH DAY
OF JANUARY, 2020.

**AN ORDINANCE AMENDING THE ZONING MAP, BY REZONING
APPROXIMATELY 6.29 ACRES OF LAND DESCRIBED AS
BOOK 6, PAGE 6, PARCEL 22 FROM I-1, LIGHT INDUSTRIAL
TO ORP-1, OFFICE RESEARCH PARK.**

Whereas, Brooke Fornes, Agent for the Owner, 2080 Byers Road, Dayton, Ohio 45342, has requested the rezoning; and

Whereas, the City of Beavercreek Planning Commission has recommended approval of the rezoning amendment; and

WHEREAS, the City Council has voted to adopt the recommendation of the Planning Commission, this being a decision that requires approval by four members of Council.

NOW THEREFORE THE MUNICIPALITY OF BEAVERCREEK HEREBY
ORDAINS:

SECTION I

That the Zoning Map referenced in §158.018 of the Zoning Code is hereby further amended to change approximately 6.29 acres of land, , known as B42000600060002200 and as further described in the attached "Exhibit A" be rezoned to ORP-1, Office Research Park.

SECTION II

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

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.

PASSED this 27th day of January, 2020.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

SUMMARY

This Ordinance adopts a recommendation to rezone approximately 6.29 acres of land from I-1, Light Industrial to ORP-1, Office Research Park.

This is not an emergency ordinance and will become effective 30 days after passage.

PEL

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

Meeting Date: <u>January 27, 2020</u>	Reference Topic: <u>Cedarbrook Flower Farms Assessment Project – Resolution of Necessity</u>
Agenda Reference No.: V. B.	<u>Resolution No. 20-03</u>

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 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:

The developer of the Cedarbrook Flower Farms site (M/I Homes of Cincinnati, LLC) has recently submitted a voluntary special assessment petition to pay for all of the cost to widen Shakertown Road along the frontage of the development as well as the installation of curb, gutter, and a sidepath. The total construction cost of this improvement is currently estimated to be \$283,100, with this special assessment paying for 100% of these construction costs.

The attached assessment petition waives all notification requirements required by the Ohio Revised Code.

STAFF RECOMMENDATION:

It is recommended that the petition be accepted and that the attached Resolution of Necessity be approved.

**CITY OF BEAVERCREEK, OHIO
RESOLUTION NO. 20-03**

SPONSORED BY COUNCIL MEMBER _____ ON THE 27TH
DAY OF JANUARY, 2020.

**A RESOLUTION DECLARING THE NECESSITY OF THE
CONSTRUCTION AND THE IMPROVEMENT OF CERTAIN ROADWAYS
IN THE CITY OF BEAVERCREEK, OHIO RELATED TO THE PROJECT
KNOWN AS CEDARBROOK FLOWER FARM**

WHEREAS, this Council has heretofore been petitioned to construct and improve certain roadways for certain portions of public right-of-way on Shakertown Road along the project known as Cedarbrook Farm, such improvements to be paid for in whole by special assessments; and

WHEREAS, plans, drawings, specifications and profiles of the improvements for which are petitioned, and an estimate of the cost of same have been prepared and are filed in the office of the Clerk of Council and are open to the inspection of all persons interested;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERCREEK, OHIO THAT:

SECTION I.

It is necessary to improve certain streets, alleys, easements, or public places, or parts thereof in the City of Beavercreek (the "City") by the improvement and widening of Shakertown Road from approximately 900 feet east of the intersection with N. Fairfield Road to approximately 1,600 feet east of the intersection with N. Fairfield Road, by the construction, extension, installation, and improvements as more particularly described in Exhibit "B" of the Petition, attached hereto and incorporated herein by reference, and as also described in drawings on file in the office of the City of Beavercreek City Engineer, such improvements including, but not limited to the construction, extension, installation, and improvements as may be necessary and proper, and as further shown on the plans, drawings, specifications, and profiles referred to in the Preambles hereof (referred to collectively hereinafter as the 'Improvements').

SECTION II.

It is hereby determined that said streets, alleys, easements or other public places or parts thereof, to be improved by the improvements are so situated in relation to each other that in order to complete the improvements thereof in the most practical and economical manner they should be improved at the same time, with the same kind of materials, and in the same manner; and that said streets,

alleys, easements or other public places, or parts thereof, shall be treated as a single improvement, pursuant to Section 727.09 of the Ohio Revised Code.

SECTION III.

As applicable, the plans, profiles and specifications, and the estimate of the costs for the Improvements referred to in the Preambles above are approved.

SECTION IV.

It is hereby determined that a Petition requesting the Improvements has been presented to this Council and has been subscribed by all owners of the lots and lands to be assessed, and such Petition is accepted by this Council.

SECTION V.

It is hereby determined and declared that the Improvements are conducive to the public peace, health, safety and welfare of the City and the inhabitants thereof.

SECTION VI.

One hundred percent (100%) of the costs of the Improvements shall be paid by special assessments.

SECTION VII.

By the Petition referred to in the Preambles hereof, the lots and lands to be benefitted are those lots and lands referred to in the Petition and as more particularly described in Exhibit "A", attached hereto and made a part hereof, and such lots and lands are to be assessed the entire (100%) cost of the Improvements and in such event the method of levying said special assessments shall be on a per acre basis across the property described in Exhibit 'A'. If the land described in Exhibit 'A' is further subdivided into multiple lots, then the assessment shall be apportioned on a per acreage basis against each such lot. Any lands conveyed to the City of Beavercreek, or any lands dedicated for use as public right-of-way, shall not be assessed for any of the costs of the improvements requested under this Petition.

SECTION VIII.

The lots or parcels of land to be assessed for the Improvements shall include all lots and lands described in Exhibit "A", attached hereto and made a part hereof, all of which said lots and lands are hereby determined to be specially benefitted by the Improvements. Any lands conveyed to the City of Beavercreek, or any lands dedicated for use as public right-of-way, shall not be assessed for the cost of the improvements requested under this Petition. Any such costs which would

have been assessed to lands conveyed to the City of Beavercreek, or land dedicated for public use as right-of-way shall be reallocated in a pro rata manner against the remaining real property described in Exhibit 'A'.

SECTION IX.

The cost of the Improvements to be paid for directly, or indirectly, in whole or in part, by funds derived from special assessments, may include but is not limited to: (a) the cost of printing, serving, and publishing notices, resolutions, and ordinances; (b) the cost of all special proceedings; (c) the cost of labor and material, whether furnished by contract or otherwise; (d) interest on bonds or notes issued in anticipation of the levy and collection of the special assessments; (e) the total amount of damages, if any, resulting from the Improvements and interest thereon; (f) the cost incurred in connection with the preparation, levy, and collection of the special assessments, including legal expenses incurred in connection with the preparation, levy, and collection of the special assessments, as well as any additional legal expenses incurred by reason of the Improvements; (g) the cost of any special engineering studies conducted or caused to be conducted by the City of Beavercreek in the sole discretion of the City; (h) incidental costs directly related to or in any way associated with the Improvements ; and (i) all costs associated with any contact between the City and any contractor for the construction of said Improvements.

SECTION X.

The assessments to be levied for the initial construction and installation of the Improvements shall be paid in annual installments over a period of time not to exceed twenty (20) years, with interest on the deferred payments at the same rate and for the same period as the bonds to be issued in anticipation of the collection thereof; provided that the owner of any property assessed may, at their option, pay in cash and at any time after the first, initial date of such assessment the total remaining balance of deferred payments, with interest on the balance of deferred payments at the same rate as the bonds to be issued in anticipation of the collection of the assessments.

SECTION XI.

The bonds of the City may be issued in anticipation of the collection of special assessments by installments and in an amount equal thereto and notes of the City may be issued in anticipation of the issuance of said bonds and the levy of such assessments.

SECTION XII.

Any remainder of the entire cost of the Improvements, after application of the assessments which are herein provided, may be paid by the issuance of bonds of the City in the manner provided by law or from funds available to the City for this purpose.

SECTION XIII.

The Clerk of Council is hereby authorized and directed to cause to be prepared and filed in the office of said Clerk of Council the estimated assessments of the cost of the Improvements in accordance with the method of assessment set forth in this Resolution, showing the amount of the assessments against each lot or parcel of land to be assessed.

SECTION XIV.

It is 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 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.

SECTION XV.

This Resolution shall become effective immediately upon its passage.

THIS RESOLUTION IS ADOPTED BY THE Council of the City of Beavercreek, Ohio this 27th day of January, 2020.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

PETITION

**TO THE COUNCIL OF THE
CITY OF BEAVERCREEK,
COUNTY OF GREENE,**

STATE OF OHIO:

The undersigned, being the owner of one hundred percent (100%) of the lots and lands, as such lots and lands are more particularly described in Exhibit "A" attached hereto and made part hereof, to be benefitted by and to be assessed for the improvement hereinafter described do hereby respectfully petition your honorable body for the improvement of that public road(s) within the city limits of the City of Beavercreek as more fully described in Exhibit "B"; by the widening of Shakertown Road and the construction of a sidepath, as more particularly described in Exhibit "C" ("Improvements"), attached hereto and incorporated herein, and as also described in drawing on file in the office of the City of Beavercreek, City Engineer; and the entire cost (100%) of said Improvements be assessed upon the lots and lands described in Exhibit "A" attached hereto and incorporated herein.

The undersigned consents to and requests that the said assessments be levied and collected without limitation as to the value of the property assessed hereunder and waive any and all rights, benefits, and privileges fixed by O.R.C. 727.03 and 727.06 or by any other section thereof restricting said assessments to thirty-three and one-third percent (33-1/3%) of the actual improved value of said lots and lands as enhanced by the improvements to be made.

The undersigned further waives all notices required for the making of said improvement including the notice of the adoption of the resolution of necessity and the filing of estimated assessments, the equalization of the estimated assessment, the increase in the cost of labor and materials over the estimated cost thereof and the passage of the assessing ordinance, including, but not by way of limitation, such notices as are authorized and required by O.R.C. 727.13, 727.14, 727.16, 727.17, 727.24 and 727.26.

The undersigned further requests that the ordinance levying assessments provide, among other things, that the owner or owners at the time of passage of such ordinance pay their assessments for the cost of the initial improvements in annual installments over a period of time not to exceed twenty (20) years, with interest on the deferred payments at the same rate and for the same period as the bonds to be issued in anticipation of the collection thereof; provided that the owner of any property assessed may, at his option, pay in cash and at any time after the first, initial date of assessment the total remaining balance of deferred payments, with interest on the balance of deferred payments at the same rate as the bonds to be issued.

The undersigned further waives any and all irregularities and defects in the proceedings.

Dated: October 9, 2019

Signed and Acknowledged

M/I Homes of Cincinnati, LLC

By:

Its:

By: 
 Print Name: Greg Williams
 Authorized Signer

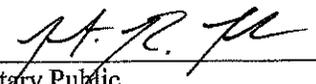
STATE OF OHIO)
) SS:
 COUNTY OF WARREN)

On this 9 day of October, 2019, before me a Notary Public personally appeared GREG WILLIAMS of M/I Homes of Cincinnati, LLC, its AREA PRESIDENT and acknowledged the execution of the foregoing instrument, and that the same is his voluntary act and deed on behalf of M/I Homes of Cincinnati, LLC.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the date and year aforesaid.



JUSTIN LANHAM
 Notary Public, State of Ohio
 My Commission Expires 07-18-2023


 Notary Public



McDougall - Marsh
Land Surveyors

6529 Byers Road, Miamisburg, Ohio 45342
Tel: 937-847-2660 - Fax 937-847-2670

Survey Record of
Greene County, Ohio
Record No. 46 Page 256

28.587 acres

Situate in Section 31, Town 3, Range 7 M.R.S., City of Beavercreek, County of Greene, State of Ohio. Being all of a 28.583 parcel as conveyed to Cedarbrook Flower Farm, LLC. O.R. 1145, Page 181 of the Deed Records of Greene County, Ohio, and being a tract of land more particularly described as follows:

All of the Plats and Deeds referenced hereon, are recorded in the Plat and Deed Records of Greene County, Ohio.

Beginning at a 5/8" iron pin found at the southeast corner of Wynwood Estates recorded in Plat Cabinet 32, 143B-144A and also being the southeast corner of Lot 32 of said plat and being on the west line of Lot 8 of Golden Acres Section 1 recorded in Plat Cabinet 31, Page 163B-164A and being the **True Point of Beginning**;

Thence, from said **True Point of Beginning**, S 07°52'47" E, with the east line of said Golden Acres and the west line of Golden Acres Section 8 recorded in Plat Cabinet 33, Page 293B-294A a distance of 776.48 feet to a 5/8" rebar set at the north corner of a 1.45 acre parcel conveyed to Delbert E. Corn, Tr. by Inst # 2018007609;

Thence, S 47°03'55" W, with the northwesterly line of said 1.45 acre parcel witness a 5/8" rebar set at 462.83 for a total distance of 514.26 to a mag nail set in the centerline of Shakertown Road (width varies);

Thence, S 82°45'00" W, with the centerline of said Shakertown Road, a distance of 798.31 feet to a Rail Road Spike found at the southeast corner of Ballymeade Village Replat recorded in Plat Cabinet 38, Page 37A-B;

Thence, N 01°50'15" E with the east lines of said Ballymeade Village Replat, Ballymeade Village Phase Four recorded in Plat Cabinet 37, Page 303A-304B, Ballymeade Village Phase Five recorded in Plat Cabinet 37, Page 341A-342B, Ballymeade Village Phase Six recorded in Plat Cabinet 38, Page 23B-25A and Ballymeade Village Phase Seven recorded in Plat Cabinet 38, Page 119B-121A witness a 5/8" rebar set at 30.38 feet and for a total distance of 1276.72 feet to a 5/8" rebar set at the northeast corner of said Ballymeade Village Phase Seven and in the south line of Lot 9 of said Wynwood Estates;

ASD
12/17

Thence, S 86°52'05" E, with the south line of said Wynwood Estates a distance of 1022.57 feet to the True Point of Beginning, Containing 28.587 acres. Subject to all legal conditions, easements and right-of-ways pertaining to the premises herein described. This description prepared by McDougall - Marsh Land Surveyors. Based on a field survey made by same in June 2019, under the direct supervision of Thomas K. Marsh P.S. #7735. All iron pins set are 30" x 5/8" capped "7735." Bearings are based on the north line of subject parcel as recorded in O.R. 1145, Page 181 of the Deed Records of Greene County, Ohio (S 86°52'05" E).

Thomas K. Marsh
Thomas K. Marsh P.S. #7735

Date: 8/19/19



Description Check
Greene County Engineer's Tax Map Dept.

- Legally Sufficient As Described
- Legally Sufficient With Corrections Noted
- Legally Insufficient, New Survey Required

Date: 8/19/19 *9/24/2019*
Par ID Dist 42 BK 4 PG 3 PAR 43

*Resurvey
all of*

use #43

Survey Recorded in
Greene County Surveyor's
Record No 46 Page 256

Exhibit 'B'

It is necessary to improve certain streets, alleys, easements, or other public places, or parts thereof in the City of Beavercreek, by the widening of Shakertown Road for the purpose of constructing roadway improvements along the north side of the roadway along the frontage of the property described in Exhibit A, including installing curb, gutter, drainage facilities and an eight (8) foot wide sidepath.

Shakerlown Road Widening
Cedarbrook Flower Farms (MI Homes)
Exhibit 'C'

A. Shakerlown Road Widening Estimated Construction Costs

Item No.	Quantity	Unit	Description	ENGINEERS ESTIMATE	
				Unit	Total
Earthwork					
201	1	LUMP	CLEARING AND GRUBBING	\$4,000.00	\$4,000.00
203	1500	CU YD	EXCAVATION	\$12.00	\$18,000.00
203	1500	CU YD	EMBANKMENT	\$14.00	\$21,000.00
609	718	FT	CURB AND GUTTER	\$16.23	\$11,667.50
608	5200	SF	WALK	\$6.50	\$33,800.00
203	100	CY	UNDERCUT WITH ITEM 304 FILL	\$50.00	\$5,000.00
608	2	EACH	CURB RAMPS	\$900.00	\$1,800.00
			SUBTOTAL		\$95,267.50
Erosion Control					
659	1	EACH	SOIL ANALYSIS TEST	\$180.00	\$180.00
659	140	CU YD	TOPSOIL	\$42.00	\$5,880.00
659	1250	SQ YD	SEEDING AND MULCHING	\$2.00	\$2,500.00
659	500	SQ YD	INTER-SEEDING	\$1.50	\$750.00
659	500	SQ YD	REPAIR SEEDING AND MULCHING	\$1.50	\$750.00
832	LUMP	LUMP	STORM WATER POLLUTION PREVENTION PLAN	\$1,200.00	\$1,200.00
832	1	EACH	EROSION CONTROL	\$6,000.00	\$6,000.00
			SUBTOTAL		\$17,260.00
Utilities					
603	470	FT	12" CONDUIT, TYPE B	\$48.00	\$22,560.00
603	240	FT	15" CONDUIT, TYPE B	\$55.00	\$13,200.00
603	110	FT	18" CONDUIT, TYPE B	\$70.00	\$7,700.00
604	3	EACH	BEAVERCREEK, TYPE I CATCH BASIN	\$1,800.00	\$5,400.00
638	1	EACH	FH RELOCATED	\$900.00	\$900.00
601	1	CU YD	ROCK CHANNEL PROTECTION	\$600.00	\$600.00
602	0.31	CU YD	CONCRETE MASONRY	\$4,000.00	\$1,240.00
604	1	EACH	CATCH BASIN, NO. 2-2b	\$900.00	\$900.00
604	4	EACH	MANHOLE, NO.3	\$2,500.00	\$10,000.00
605	718	FT	6" BASE PIPE UNDERDRAINS	\$7.50	\$5,385.00
			SUBTOTAL		\$67,885.00
Pavement					
204	393	SQ YD	SUBGRADE COMPACTION	\$2.50	\$982.50
254	1500	SQ YD	MILLING	\$2.50	\$3,750.00
204	1	HR	PROOF ROLLING	\$400.00	\$400.00
301	77	CU YD	ASPHALT CONCRETE BASE, PG64-22	\$190.00	\$14,630.00
304	66	CU YD	AGGREGATE BASE	\$52.00	\$3,432.00
407	142	GALLON	TACK COAT FOR INTERMEDIATE COURSE	\$6.00	\$852.00
408	197	GALLON	PRIME COAT	\$6.00	\$1,182.00
442	80	CU YD	ASPHALT CONCRETE SURFACE COURSE, TYPE 1, PG64-22	\$230.00	\$18,400.00
448	19	CU YD	ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE 2, PG64-22	\$220.00	\$4,180.00
			SUBTOTAL		\$47,809.50
Frame Guardrail and Signing					
644	1	LUMP	PAVEMENT MARKINGS AND SIGNING	\$1,097.64	\$1,097.64
			SUBTOTAL		\$1,097.64
Maintenance of Traffic					
410	30	CU YD	TRAFFIC COMPACTED SURFACE, TYPE A OR B	\$70.00	\$2,100.00
614	1	LUMP	MAINTAINING TRAFFIC	\$12,255.00	\$12,255.00
616	10	M GAL	WATER	\$19.00	\$190.00
			SUBTOTAL		\$14,545
Miscellaneous					
624	1	LUMP	MOBILIZATION	\$9,500.00	\$9,500
623	1	LUMP	CONSTRUCTION LAYOUT STAKES	\$4,000.00	\$4,000
			SUBTOTAL		\$13,500

Construction Sub-Total	\$257,363.64
Contingency at 10%	\$26,736.36
Construction Total	\$283,100.00
Design Supplied by City	\$0.00
Utility Relocations	\$10,000.00
Construction Estimate	\$293,100.00

B. Additional Costs

Legal	\$9,000.00
Bond Issuance Costs	\$4,900.00
Project Inspection Costs	\$5,000.00
BAN Interest	\$7,000.00
Administrative Costs	\$11,000.00
Additional Costs	\$36,900.00

C. Total Estimated Assessment Costs

Total	\$330,000.00
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**CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT**

PTC

Meeting Date: <u>January 27, 2020</u>	Reference Topic: <u>Cedarbrook Flower Farms Assessment Project – Ordinance to Proceed</u>
Agenda Reference No.: V. C.	<u>Ordinance No. 20-02</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:

The developer of the Cedarbrook Flower Farms site (M/I Homes of Cincinnati, LLC) has recently submitted a voluntary special assessment petition to pay for all of the cost to widen Shakertown Road along the frontage of the development as well as the installation of curb, gutter, and a sidepath. The total construction cost of this improvement is currently estimated to be \$283,100, with this special assessment paying for 100% of these construction costs.

The assessment petition waives all notification requirements required by the Ohio Revised Code.

STAFF RECOMMENDATION:

This Ordinance accompanies the Resolution of Necessity that was previously adopted by City Council for the same improvement.

Passage of this Ordinance allows for City Staff to proceed with the assessment of the project costs to the benefitting property owners upon the completion of the roadway improvements.

It is recommended that City Council approve the attached Ordinance.

**CITY OF BEAVERCREEK, OHIO
ORDINANCE NO. 20-02**

SPONSORED BY COUNCIL MEMBER _____ ON THE 27TH DAY OF
JANUARY, 2020.

**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**

WHEREAS, in response to a Petition signed by the required number of benefitted property owners, this Council adopted Resolution No. 20-03, declaring the necessity of designing, constructing, installing, and inspecting certain roadway improvements, as such improvements are described and referred to in said Petition and said Resolution (herein the 'Improvements'), to portions of Shakertown Road; related to the project known as Cedarbrook Flower Farms, located in the City of Beavercreek (the "City"); such Improvements to be paid for in whole by special assessments;

NOW, THEREFORE, the City of Beavercreek hereby ordains:

SECTION I.

That it is hereby declared to be the intention of this Council to proceed with the improvement of certain streets, alleys, easements, or other public places, or parts thereof by constructing and installing, the Improvements referenced above, the nature of such Improvements and which streets, alleys, easements, or other public places, or parts thereof, are more fully described in Resolution No. 20-03, which Resolution was duly adopted by this Council on January 27, 2020.

SECTION II.

That the Improvements shall be made in accordance with the provisions of said Resolution, and in accordance with the plans, specifications, drawings, profiles and estimated costs of the Improvements, which have been approved by Council pursuant to said Resolution, now on file in the office of the Clerk of Council.

SECTION III.

That the assessable portion of the costs of the Improvements shall be assessed on the benefitted properties in the manner and in the number or annual or semi-annual installments as provided for in Resolution 20-03.

SECTION IV.

That the estimated assessments heretofore prepared and filed in the office of the Clerk of Council, in accordance with said Resolution, be and hereby are adopted by Council.

SECTION V.

That, in compliance with Section 319.61 of the Ohio Revised Code, the Clerk of Council be and is hereby directed to deliver a certified copy of this Ordinance to the Greene County Auditor no later than fifteen (15) days after the date of adoption hereof.

SECTION VI.

That the City Manager, or his designee, is hereby directed to provide or advertise, as necessary and applicable, for the construction and installation of the Improvements; and further that a contract for same may be let in the manner provided by law, and the cost of the Improvements shall be financed as provided in Resolution 20-02.

SECTION VII.

That is it 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.

SECTION VIII.

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

ADOPTED by the Council of the City of Beavercreek, Ohio this 27th day of January, 2020.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

SUMMARY

This Ordinance declares the intention of the City and approves proceeding with the designing, constructing, installing and inspecting certain roadway improvements to portions of Shakertown Road, in the City of Beavercreek, and the costs of such improvements are to be assessed against the owners of lots and lands specifically benefitted by the improvements.

PEL

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

Meeting Date: January 27, 2020	Reference Topic: ORDINANCE NO. 20-03 AN ORDINANCE TO LEVY A MUNICIPAL MOTOR VEHICLE LICENSE TAX AS AUTHORIZED BY SECTION 4504.173 OF THE OHIO REVISED CODE.
Agenda Reference No.: V-D.	

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	<input type="checkbox"/> Engineering	<input type="checkbox"/> Golf Course
<input type="checkbox"/> Police	<input checked="" type="checkbox"/> Public Service	<input checked="" type="checkbox"/> City Manager

BACKGROUND AND STAFF SUMMARY:

In April 2019, HB 62 was enacted providing for the 2020-21 Ohio Transportation Budget. The bill included a provision allowing municipalities to levy a new \$5 permissive tax on the registration of all motor vehicles, with 100% of that registration tax going directly to the City. The money must be used for authorized purposes, which include the maintenance and repair of public streets. The \$5 fee would be collected as part of the annual licensing fees paid each time a motor vehicle is registered with a Beaver creek address. Revenue is projected to be approximately \$220,000 per year, which would be used to supplement local tax dollars for maintaining Beaver creek streets.

To implement this new tax the City would have to enact an ordinance imposing the new vehicle registration tax. If this tax is enacted before July 1, 2020, the money provided by this new vehicle registration fee would begin with the 2021 registration year (calendar year).

The County and City currently impose a \$20 registration permissive tax. Of this amount, the City receives \$5 directly from the Department of Transportation. This City specific tax was initiated with legislation dating back to 1987. Three other \$5 taxes were enacted by the County. One is allocated 50% directly to the City, and another of the \$5 tax is maintained by the County and must be requested by the City for street maintenance. These County taxes were implemented between 1986 and 1991. Overall the funds generated from these original taxes have remained relatively the same, over the past 29, years while the paving cost have increased significantly.

Recommendation:

As part of the City's financial strategy for identifying and implementing alternative revenue sources, it is recommended City Council adopt this ordinance to implement this new vehicle registration tax that would become effective January 1, 2021.

CITY OF BEAVERCREEK, OHIO

ORDINANCE NO. 20-03

SPONSORED BY COUNCIL MEMBER _____ ON THE 27th
DAY OF JANUARY, 2020.

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"

WHEREAS, in accordance with Ohio Revised Code Section 4504.173, the City of Beavercreek wishes to add an additional levy to the current motor vehicle license tax and motor vehicle fees prescribed by Chapters 4503 and 4504 of the Ohio Revised Code and Section 35.55 of the City of Beavercreek, Ohio Code of Ordinances in order to provide additional revenue for the authorized purposes set forth in Ohio Revised Code Section 4504.173(A)(2); and

WHEREAS, the imposition of this additional tax is in the best interest of the citizens of the City of Beavercreek as the revenue will help provide for proper street maintenance and repairs in the City, and will provide additional revenue for all other authorized purposes specified in Ohio Revised Code Section 4504.173(A)(2).

NOW, THEREFORE, THE CITY OF BEAVERCREEK HEREBY ORDAINS:

SECTION I.

City Council hereby finds that the imposition of an additional license tax for the operation of motor vehicles, as prescribed by Ohio Revised Code Section 4504.173, is in the best interest of the citizens of the City of Beavercreek as the revenue generated by this tax will help provide for proper street maintenance and repairs in the City, and will provide additional revenue for all other authorized purposes specified in Ohio Revised Code Section 4504.173(A)(2), which will benefit the City's citizens.

SECTION II.

Codified Ordinance Section 35.54 is hereby adopted and added to Chapter 35 "Finance and Taxation" as set forth in Exhibit A attached hereto and incorporated hereby reference.

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 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.

The Clerk of Council is hereby directed to mail a certified copy of this Ordinance to the Bureau of Motor Vehicles, Tax Distribution Section in Columbus, Ohio upon passage and to take any other administrative and/or clerical action that may be required to ensure that a certified copy of this Ordinance is properly recorded with the Bureau of Motor Vehicles.

SECTION V.

This Ordinance shall take effect at the earliest time permitted by law.

PASSED this ____ day of _____, 2020.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

SUMMARY

THIS ORDINANCE LEVIES A MUNICIPAL MOTOR VEHICLE LICENSE FEE PURSUANT TO SECTION 4504.173 OF THE OHIO REVISED CODE AS AUTHORIZED BY HOUSE BILL 62 AND AMENDS 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"

EXHIBIT A

§ 35.54 LICENSE TAX FOR OPERATION OF MOTOR VEHICLES.

(A) An annual license tax for the operation of motor vehicles on the public highways and roads in the City of Beavercreek, Ohio is hereby imposed in accordance with Ohio Revised Code Section 4504.173. This tax shall be at the rate of five dollars (\$5.00) per motor vehicle on all motor vehicles the district of registration of which, as defined in Ohio Revised Code Section 4503.10, is located in the City of Beavercreek. As used herein, the term "Motor Vehicle" means any and all vehicles included in the definition of "Motor Vehicle" as set forth in Ohio Revised Code Sections 4501.01 and 4505.05.

(B) All funds obtained from this levied tax may be used by the City of Beavercreek for any and all "authorized purposes" specified in Ohio Revised Code Section 4504.173(A)(2).

(C) The annual tax imposed by this section shall apply to and be in effect for the registration year commencing January 1, 2021, and shall continue in effect and application each registration year thereafter.

(D) The annual tax imposed by this section shall be paid to the Registrar/Deputy Registrar of Motor Vehicles at the time application for registration of a motor vehicle is made in accordance with Ohio Revised Code Section 4503.10.

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

PEC

Meeting Date: <u>January 27, 2020</u>	Reference Topic: N. Fairfield Road at Rock Drive Traffic Signal Installation Agreement
Agenda Reference No.: <u>V. E.</u>	Resolution No. <u>20-04</u>

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 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:

Yolo Development 1, LLC (aka Synergy Development) is currently working on a project to construct a medical facility and other parking lot and roadway improvements on the property located along the west side of N. Fairfield Road and north of Rock Drive. As a part of the approval for this development, City Council authorized the installation of a new traffic signal at the intersection of N. Fairfield Road and Rock Drive provided that certain conditions are first met. In discussing the construction of this new traffic signal, the Engineering Division and the developer are in agreement that it would be more efficient for the City to administer the design and construction of this traffic signal due to the City's ownership of the signal at the completion of construction, and the City's experience in constructing new traffic signal installations.

The proposed agreement delineates the funding and administration responsibilities for the installation of this new traffic signal. This agreement requires all design and construction costs to be paid by the developer and includes the applicable conditions listed in the original Specific Site Plan approval by City Council.

STAFF RECOMMENDATION:

It is therefore recommended that City Council approve the attached resolution authorizing the City Manager to execute this agreement.

**CITY OF BEAVERCREEK
RESOLUTION NO. 20-04**

SPONSORED BY COUNCIL MEMBER _____ ON THE 27TH DAY OF
JANUARY, 2020.

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER
INTO AN AGREEMENT WITH YOLO DEVELOPMENT 1, LLC FOR THE
DESIGN AND CONSTRUCTION OF A NEW TRAFFIC SIGNAL AT THE
INTERSECTION OF N. FAIRFIELD ROAD AND ROCK DRIVE.**

WHEREAS, Yolo Development 1, LLC has received approval of PUD 17-4 Specific Site Plan #1 for the property generally located to the west of N. Fairfield Road and north of Rock Drive; and

WHEREAS, PUD 17-4 Specific Site Plan #1 approval condition 18 allows for the installation of a new traffic signal at N. Fairfield Road and Rock Drive provided that certain conditions are first met; and

WHEREAS, Yolo Development 1, LLC has requested the City of Beavercreek's assistance in the administration of the design and construction of this traffic signal.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERCREEK, OHIO, THAT:

SECTION I.

On behalf of the City of Beavercreek, the City Manager is hereby authorized to enter, with Yolo Development 1, LLC, an agreement for the funding and the administration of the installation of a traffic signal at N. Fairfield Road and Rock Drive as approved by Beavercreek City Council on January 27, 2020 and attached as Exhibit 'A'.

SECTION II.

On behalf of the City of Beavercreek, the City Manager is hereby authorized to execute any amendments to the agreement between the City of Beavercreek and Yolo Development 1, LLC that may become necessary during the administration of this improvement.

SECTION III.

It is hereby found and determined that all formal actions of the 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 limiting to Section 121.22 of the Ohio Revised Code.

SECTION IV.

This Resolution shall become effective immediately upon its passage.

THIS RESOLUTION IS ADOPTED BY THE Council of the City of Beavercreek, Ohio this 27th day of January, 2020.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

EXHIBIT A

**ROCK DRIVE AT N. FAIRFIELD ROAD
TRAFFIC SIGNAL CONSTRUCTION AGREEMENT**

This Agreement is entered into on the 17th day of January, 2020, by and between the City of Beavercreek, Ohio ("Beavercreek"); and Yolo Development 1, LLC ("Developer").

WHEREAS, the Developer has received approval of PUD 17-4 Specific Site Plan #1 for property generally located to the west of N. Fairfield Road and north of Rock Drive in the City of Beavercreek; and

WHEREAS, approval condition number 18 for said PUD 17-4 Specific Site Plan #1 states 'The construction of a traffic signal at the intersection of Rock Drive and North Fairfield Road shall be contingent on the relocation of the entrance to St. Luke's Church. The final location and design of both the traffic signal and the relocated entrance to St. Luke's shall be reviewed and approved by the City Engineer prior to their construction. The said relocation shall occur before or at the same time as the construction of the traffic signal, unless otherwise permitted by the City Engineer.'; and

WHEREAS, the Developer is responsible for all costs associated with the design and construction of the proposed traffic signal at Rock Drive and N. Fairfield Road; and

WHEREAS, the Developer has requested Beavercreek's assistance in the management of the design and construction of this new traffic signal; and

WHEREAS, it is necessary to delineate the funding and project management responsibilities for the traffic signal installation between the parties; and

NOW THEREFORE, in consideration of the mutual promises and benefits, and other consideration between the parties, Beavercreek and the Developer agree as follows:

1. Beavercreek shall contract with a qualified professional engineer to develop construction drawings and timing plans for this new traffic signal. Prior to the execution of the contract by Beavercreek with the professional engineer, the Developer shall deposit with Beavercreek an amount equal to the anticipated professional engineer's design fee.
2. The traffic signal design shall meet all applicable standards and shall include all features deemed necessary by the City Engineer.
3. Beavercreek shall advertise the project for bids, shall accept bids, and award a construction contract in keeping with established Beavercreek procedures and purchasing policy provided that the following conditions are first met:

- a. The Developer produces documentation that St. Luke's Church has approved the relocation of their parking lot entrance to align with Rock Drive and has produced acceptable guarantees that the timing of the parking lot entrance relocation will occur before or at the same time as the traffic signal installation.
 - b. The Developer deposits with Beavercreek an amount equal to the approved engineer's estimate for the traffic signal construction costs.
4. It is understood by the parties that Beavercreek will not seek to recover any labor costs from Developer for the inspection of the new traffic signal construction, or for the administration of any contracts.
 5. At the completion of the work, after all final costs are known, if the amount of funds deposited with Beavercreek by the Developer for the traffic signal design and construction exceed the actual project costs, the amount of any overpayments shall be promptly refunded to Developer. If the final design and construction costs exceed the amounts deposited by the Developer, then the Developer agrees to pay these additional costs to Beavercreek within thirty (30) days upon the receipt of an invoice from Beavercreek.
 6. It is agreed that both parties will strive to have this traffic signal construction work completed by December 31, 2020. It is understood that unforeseen circumstances may arise with any construction project that could delay the completion of the work.

IN WITNESS WHEREOFF, the parties hereto have executed this Agreement with the Intent to be bound thereby.

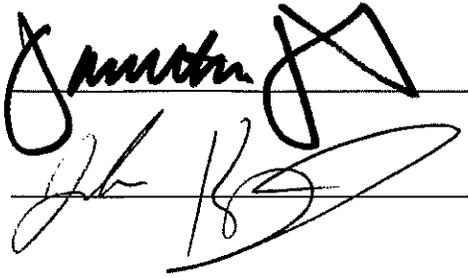
WITNESS

CITY OF BEAVERCREEK, OHIO

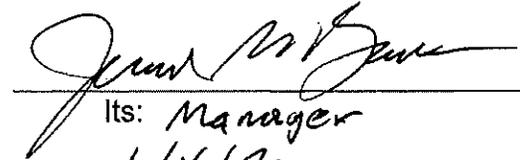
 Its: City Manager

 Date

WITNESS



Yolo Development 1, LLC



Its: *Manager*

1/16/20

Date

2020 Council Appointments to Local Agencies

LOCAL AGENCY	INFORMATION	PRIMARY	SECONDARY
Fourth of July Committee	Meetings on held 2nd Tuesday of the month at 5:00 p.m. at city hall		
Greene CATS Board Liaison	Meetings are 4th Wednesday of the month at 8:00 a.m. at Xenia Business Conference Room, 2380 Bellbrook Ave, Xenia, Ohio		
Greene County Family and Children First Council	Meetings are at 9:00 a.m. on the 1st Monday of the Month Month & Steering Committee meetings are after full council Meetings in February, May, August and November	Curran	
Greene County Water Advisory Task Force		Bales	
Great Dayton Mayors and Managers	Dinner/Meetings are 2nd Wednesday of the month at 6:00 p.m. Location varies.	Stone	Bales
Miami Valley Regional Planning Commission	Meetings are 1st Thursday of the month at 9:00 a.m. at Dayton Area Board of Realtors, 1515 S. Main St., Dayton, Ohio	Garcia	Adams
Upper Little Miami River TMDL (Total Max Daily Load)			
Ohio Mayors Alliance		Stone	Adams
Beavercreek Youth Development Committee		Adams	



CITY COUNCIL
Special Meeting – February 3, 2020 5:00 p.m.
Council Chambers

1368 Research Park Dr
Beaver Creek, Ohio

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. EXECUTIVE SESSION
- V. ADJOURNMENT

DRAFT



CITY COUNCIL
Regular Meeting – February 10, 2020 6:00 p.m.
Council Chambers

1368 Research Park Dr
Beaver Creek, Ohio

- 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. EXECUTIVE SESSION
- VII. PUBLIC HEARING – PUD 19-1 Amendment 12/19 IH Credit Union
 - A. Applicant Presentation
 - B. Staff Presentation
 - C. Public Input
 - D. Council Input
 - E. Ordinance 20-____
- VIII. PUBLIC HEARING – PC 20-1 ASRA Darst Road Medical Building
 - A. Applicant Presentation
 - B. Staff Presentation
 - C. Public Input
 - D. Council Input
 - E. Motion
- IX. ORDINANCES, RESOLUTIONS AND PUDS
 - A. Resolution 20-____ Appointment to Fill Council Seat Vacancy
- X. DECISION ITEMS
 - A. Accepting Fourth Quarter 2019 Financial Summary
- XI. COUNCIL TIME
- XII. MAYOR'S REPORT
- XIII. CITY MANAGER'S REPORT
- XIV. CITIZEN COMMENTS
- XV. ADJOURNMENT

PLANNING DEPARTMENT STATUS REPORT

January 23, 2020

CITY COUNCIL

January 27, 2020

- Z-19-2, Henkle Rezoning, I-1 to ORP-1, second reading

February 10, 2020

- PC 20-2 ASRA, Darst Road Medical Building, public hearing
- PUD 19-1 Amendment 12/19, IH Credit Union, public hearing

February 24, 2020

- PUD 19-1 Amendment 12/19, IH Credit Union, second reading

March 9, 2020

- PC 20-3, Land Use Plan Update, public hearing

Tabled / Delayed / Pending

-

PLANNING COMMISSION

February 5, 2020

- No cases

Tabled / Delayed / Pending

- PUD 519 MOD 8/19, Minor, Beaver Valley Shopping Center- Ground Sign
-

Commercial Permits Submitted and Under Review

- Fifth Third Bank
- Marriot Dual Brand Hotel
- Beaver creek MOB

BOARD OF ZONING APPEALS

February 12, 2020

- No cases

Currently Tabled or Delayed

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