

BEAVERCREEK CITY COUNCIL
REGULAR MEETING January 11, 2021 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 Duerr, Council Member Schwartz, Vice Mayor Adams, Mayor Stone

ABSENT: Council Member Garcia

ALSO IN ATTENDANCE: Randy Burkett, Planning and Development Director; Jeff Fiorita, Acting Chief; Melissa Gillaugh, Deputy Clerk; Bill Kucera, Financial Administrative Services Director; Pete Landrum, City Manager; Steve McHugh, Legal Counsel; Mike Thonnerieux, Public Administrative Services Director

Council Member Bales MOVED to excuse Council Member Garcia from the meeting, seconded by Council Member Duerr. Motion PASSED by majority voice vote.

PLEDGE

Mayor Stone led the pledge and a prayer.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Council Member Curran MOVED to approve the December 14, 2020 Regular Meeting Minutes, seconded by Council Member Bales. Motion PASSED by majority voice vote.

PUBLIC HEARING – Hospital Facilities Improvement and Refunding Revenue Bonds

Clerk Gillaugh read the public hearing to approve the potential issuance by the County of Montgomery, Ohio of its revenue bonds pursuant to Chapter 140, Ohio Revised Code, to finance hospital facilities for the benefit of certain nonprofit affiliates of Kettering Health Network located in the County of Montgomery, Ohio and the City of Beavercreek, Ohio pursuant to Section 1470(f) of the Internal Revenue Code; authorize the execution and delivery of a public hospital agencies agreement and other documents in connection with the issuance of such bonds; and declare an emergency.

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Applicant Presentation

Rick Dodds, President, encouraged Council to stay healthy and well. He said the ICU at SoIn has been at full capacity for approximately six weeks. Mr. Dodds was very pleased with the vaccine, and was working with local agencies to make the rollout go as smoothly as possible. He stated they were here to discuss refinancing and to take advantage of some of the market rates.

Julia Konieczny stated this public hearing is held in connection with the possible issuance with Montgomery County of the hospital facilities improvement refunding revenue bonds. She explained the interest rates are low, and said these bonds are only backed by Kettering Health and there are no tax payer dollars pledged or used to pay back the bonds. Ms. Konieczny stated they are seeking Council approval on this matter.

Staff Presentation

Counsel McHugh stated this is not uncommon with respect to hospitals and is allowed under the tax code by Ohio law. He explained it provides them a low cost ability to borrow. Counsel McHugh said this is refinancing, and Kettering Medical will be obligated to pay and it will not come back against the City.

Public Input

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

Council Input

Council Duerr stated there is no cost to the City.

Council Curran said he was proud to have a wonderful hospital in our community, and there was no financial liability on the City. He stated he was more than willing to try to cooperate and help this hospital and other entities be productive.

Ordinance 21-03

Council Member Curran MOVED to approve Ordinance 21-03 as an emergency, seconded by Council Member Bales. Motion PASSED by a roll call vote of 6-0.

PUBLIC HEARING – PUD 20-1 The Creek Stop Rezoning

Clerk Gillaugh read an application filed by Stephen Daniel Sowards, 1019 Rainbow Court, Bradenton, FL 34212. The application requests approval to rezone 0.9425 acres from I-1, Light Industrial to C-PUD Commercial Planned Unit Development. The property is located at 1150 Old Mill Lane further described as Book 5, Page 7, Parcel 31 on the Greene County Property Tax Atlas.

There was no applicant presentation.

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Staff Presentation

Ms. Pereira summarized the staff report dated January 11, 2021, which stated the applicant is requesting to rezone approximately an acre from I-1 Light Industrial to C-PUD Commercial Planned Unit Development for the purpose in the future to convert the building to a convenience store to be focused for bike path traffic. She reviewed the location of the property, and discussed the zoning classification for the property under discussion as well as the surrounding properties. Ms. Pereira explained the property is located within the Flood Hazard Area and if the applicant would substantially renovate or rebuild he would have to meet the requirements of the Flood Reduction Ordinance, which would be flood proofing the building or elevating the building above base flood elevation. She discussed the Land Use Plan designation and the proposed permitted uses. Staff recommended approval of the case with seven conditions.

Public Input

Douglas Hull, 1112 Old Mill Lane, stated his property is a residential property on the south side of the creek. He expressed his concerns about a convenience store going in a location where there are already several other vacant retail stores. Mr. Hull was worried about the traffic flow on Old Mill Lane since it is a dead-end, and the intersection of Old Mill Lane and North Fairfield Road. He was concerned with the paving of the lot with flooding, and the lighting with light pollution. Mr. Hull said when he thought of a convenience store he thought of alcohol sales, and questioned if it was going to be a seasonal business. He also was concerned about security.

Christine Martin, 1088 Old Mill Lane, questioned when the City would know when they are going to be selling alcohol, what kind of signage is there going to be, and the hours of operation. She asked if there was any possibility of it turning into a gas station.

In written input, a letter was submitted from Christine Martin, 1088 Old Mill Lane, and Douglas Hull, 1112 Old Mill Lane, expressing their concern with the proposed business.

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

Council Input

Ms. Pereira explained many of the questions the citizens were concerned about will be addressed at the specific site plan stage. Mayor Stone asked about the possibility of a gas station. Ms. Pereira stated they did not exclude gas stations,

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but there is a major issue with putting a gas station in a floodplain. She said she did discuss that with the applicant, and a gas station is not something he is perusing. Ms. Pereira explained he is more interested in an ice cream shop/convenience store that would not be a 24-hour business, and would be open all year around.

Mayor Stone stated at the specific site plan stage is when a lot of the detail is ironed out, but this is the stage where the uses are addressed. He saw going from an I-1 District to a C-PUD with General Business District uses a big win for the region. Mayor Stone discussed how the City could place restrictions on PUDs that includes many different things.

Council Member Bales asked if the applicant had an idea of when he would submit a specific site plan. Ms. Pereira explained he is currently talking to engineers to discuss everything it will take for the property to be developed. Council Member Bales asked if the applicant was considering rehabbing the existing building. Ms. Pereira said that is one consideration he is looking into. Council Member Bales thought the construction of a business along the bike path that promotes the use of the recreational amenity is probably a great thing for the community especially when it is changing from an industrial use to a PUD. He believed it would be used a lot and hoped at the specific site plan stage the neighbor concerns could be addressed.

Council Member Duerr asked if staff could address the concern about the misuse of Old Mill Lane. Ms. Pereira said because it is not used frequently it looks like a private drive, but it is a public street. She stated all the rules and regulations for a public street apply to Old Mill Lane all the way up across the bridge.

Council Member Schwartz thought this would be an asset to the bike path users. She stated she does share some of the concerns as the citizens and plans to address those at the specific site plan.

Council Member Curran asked if it was a chain store. Ms. Pereira said it would be a convenience store. Council Member Curran questioned if it was a franchise. Ms. Pereira said he is not planning on it being that type of business.

Vice Mayor Adams stated he was worried about the intersection of North Fairfield Road and Old Mill Lane and the wetlands in the area, but thought those would be addressed at the specific site plan stage.

Mayor Stone encouraged staff to discuss the list of permitted uses with the applicant and pull out some more uses that weren't really appropriate for the site.

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He discussed some of the intense uses that are currently allowed and stated they want to be proactive and encourage uses that are friendly to the neighbors and the community.

Ordinance 21-01

Council Member Curran MOVED Ordinance 21-01 to the second reading, seconded by Council Member Schwartz. Motion PASSED by majority voice vote.

PUBLIC HEARING – PUD 20-2 Unison Industries LLC Rezoning

Clerk Gillaugh read an application filed by Unison Industries, LLC, 2455 Dayton-Xenia Road, Beavercreek, OH 45434. The application requests approval to rezone 53.483 acres from RP-1, Research Park to I-PUD Industrial Planned Unit Development. The property is located on the west side of I-675 north of Research Boulevard further described as Book 2, Page 5, Parcel 2 on the Greene County Property Tax Atlas.

Applicant Presentation

Jeff Morris, Chief Manufacturer Engineer for GE Aviation, parent company to Unison Industries, said they currently reside under seven rooftops in the Beavercreek Township area. He stated given the current landscape in the aerospace industry, they have encountered several obstacles with the reduction of air travel so in order to maintain their competitiveness and better serve their customers they are consolidating their manufacturing facility into one location. Mr. Morris explained they are looking to construct a 280,000 square foot facility, 240,000 square feet of it will be manufacturing and 40,000 square feet would be office space. He said there is also a possibility to expand if future growth would occur.

Staff Presentation

Mr. Burkett summarized the staff report dated January 7, 2021, stating the applicant is requesting to rezone 53.75 within the Miami Valley Research Park from RP-1 to I-PUD to construct a large scale high tech manufacturing business. He discussed the location of the property, what currently exists on the property, the surrounding properties' zoning designations, the Land Use Plan designation, the Miami Valley Research Park requirements, the permitted uses, the 100-foot buffer along the western property line, and several conditions in the ordinance. Staff recommended approval of the case with five conditions.

Public Input

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

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Council Input

Council Member Curran was glad to see Unison coming to the City and wished them the best.

Council Member Schwartz felt this was an excellent addition to the City.

Council Member Duerr thanked the applicant for staying in the community. He was pleased to see they were keeping a lot of the site as is especially the 100-foot buffer. Council Member Duerr questioned if they had heard anything from the abutting neighbors. Mr. Burkett said they had not.

Council Member Bales asked if the 100 feet was a buffer or an easement. Mr. Burkett said it would be a buffer. Council Member Bales believed there was a lot of I-1 uses along Research Boulevard, and thought it made sense and looked forward to seeing the specific site plan.

Vice Mayor Adams thanked Unison for considering Beavercreek for their big operation. He explained Research Boulevard was in bad shape and he was concerned about heavy trucks using it.

Mayor Stone said the big part of this is site plan stage. He said this was not part of the original research park, which is why the City has the capability to rezone it. Mr. Burkett stated that was correct.

Ordinance 21-02

Council Member Schwartz MOVED Ordinance 21-02 to the second reading, seconded by Council Member Duerr. Motion PASSED by majority voice vote.

PUBLIC HEARING – PUD 96-4 SSP #5 Empowered Community Services of Beavercreek

Clerk Gillaugh read an application filed by Great Lakes Property Development, LLC, 4205 E. Lake Road, Sheffield Lake, OH 44054. The applicant requests specific site plan approval to allow for the construction of a 7,287 square foot adult daycare facility on 1.5 acres. The property is located at 81 Harbert Drive further described as Book 3, Page 19, Parcel 99 on the Greene County Property Tax Atlas.

Applicant Presentation

Nick Musarra, representing Great Lakes Property Development, discussed the meetings they had with staff and other agencies and that they have been able to meet all the recommendations and requirements. He said they are seeking

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approval tonight and would like to get the building under construction as soon as possible.

Joe Kowalski, CEO of Empowered Community Services, stated they are a community based service provider for adults with developmental and intellectual disabilities. He explained they are a little over two years old now, and look forward to not only serving Beavercreek but Greene County as a whole as well as the other neighboring communities.

Staff Presentation

Ms. Pereira summarized the staff report dated January 7, 2021, stating approval would allow for a single-story building that would provide an adult day program services. She discussed the location of the property, the site plan, the elevation drawings, the building materials, the parking requirements, the access points and circulation of the site, the stormwater detention requirements, the landscaping plan and the signage requirements. Staff recommended approval of the case with 13 conditions.

Public Input

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

Council Input

Council Member Duerr thought this proposal will match the other businesses in the area well. He asked if there would be stormwater runoff issues with the site because of the elevation difference between the site and the detention pond. Ms. Pereira explained the grading plans would have to be approved by the City Engineer before the permit would be released so if there is an issue it will be addressed then. Council Member Duerr questioned if there had been any input from the neighborhood to the north since the building is going to be 28 feet high. Ms. Pereira stated staff has not received an input regarding the case. He asked if staff felt the shrubbery would be sufficient to block the headlights. Ms. Pereira said yes they worked with the applicant to add some additional shrubbery and to make sure it was tall enough.

Mike Cloud, President of Great Lakes Property Development, explained they are required to do stormwater quality not quantity. He said the pond handles quantity, but they will be adding a underground system to address quality and the site will be graded so that it will capture the water and route it through the system. Mr. Cloud said the building height in the PUD was 35 feet, and there are under that. He said in terms of landscaping the site is a 9am to 5pm facility, they have the minimalist lighting to accommodate the winter months, and the landscaping is robust.

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Vice Mayor Adams thanked the applicant for providing this type of business to the community.

Mayor stated it would be nice to fill that space. He stated the landscaping to the south is not a critical either since it is next to the store in lock facility.

Motion

Council Member Duerr MOVED, for the purpose of taking administrative action, approval of a Specific Site Plan for Empowered Community Services of Beavercreek, 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 an Specific Site Plan as per §158.066 of the Zoning Code. Supplementary conditions required of this approval shall be as follows. Council Member Duerr 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 November 19, 2020", except as modified herein.
2. The approved building elevations shall be those plans stamped "Received November 19, 2020" 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.
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 PUD 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

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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. 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. All light fixtures shall be full cut off fixtures.
10. 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.
11. All roof top or ground mounted mechanical units shall be completely screened from view from all directions with architectural features (roof forms or parapets) or landscaping.
12. There shall be one ground sign for this site with a maximum size of 25 square feet per side, 50 square feet total, no taller than six feet and shall be constructed with a masonry base to match the materials used to construct the building. The final design and location of the ground sign shall be approved by the Planning and Development department prior to the release of a sign permit.
13. Lights in the parking lot shall be reduced to no greater than 25 percent illumination level within one hour of closing.

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

ORDINANCES, RESOLUTIONS AND PUDS

Ordinance 20-35 Repeal of Section 96.04 of the Codified Ordinances (Second Reading)

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Clerk Gillaugh read an Ordinance repealing Section 96.04 "Removal of Ice and Snow" of Chapter 96 "Streets and Sidewalks" of the Beavercreek Codified Ordinances.

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

Council Member Curran MOVED to approve Ordinance 20-35, seconded by Council Member Bales. Motion PASSED by majority voice vote.

Resolution 21-01 Authorize Finance Director to Request the Auditor of Greene County for Advance of Real Estate and Public Utility Taxes

Clerk Gillaugh read a Resolution authorizing the City Manager or his designee the Financial Administrative Services Director to request advance draws upon the amounts collected by the Greene County Auditor for the City of Beavercreek 2020 Real Estate and Personal Property Taxes collected during calendar year 2021.

Mr. Kucera stated this is the annual resolution that the City does. He explained the County Auditor collects property taxes throughout the year and by ORC they are required to distribute that in March and in August. He said by passing this it allows them to distribute it a little faster so the City usually starts receiving it in February and in July.

Council Member Bales MOVED to approve Resolution 21-01, seconded by Vice Mayor Adams. Motion PASSED by majority voice vote.

Resolution 21-02 Declaring Necessity of Levying a 3.4 Mills Renewal and Requesting County Auditor to Certify (Continuous)

Clerk Gillaugh read a Resolution by Beavercreek City Council determining the necessity of levying a renewal tax in excess of the ten-mill limitation for constructing, reconstructing, resurfacing, and repairing streets, roads and bridges, as authorized by the Ohio Revised Code, which is a renewal levy to run for a continuing period of time, pursuant to Ohio Revised Code Section 5705.19 and subsection 5705.19(G), as amended, and requesting the County Auditor to certify matters in connection therewith.

Mr. Kucera stated the current 3.4 mill street levy is set to expire at the end of 2021, and Council has decided at some previous meetings to bring this forward as a renewal of the existing 3.4 mill street levy and make it for a continuous period to follow along with the financial strategy of stabilizing the funding mechanism for maintaining operations and providing capital for the street program. He explained it is critical component for the entire street program particularly the operations

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program itself. Mr. Kucera said in order to place the levy on the May 4th ballot there are several steps that have to be taken and explained what those steps were.

Council Member Bales felt it was pretty clear the residents sent them a message by failing the income tax initiative which would fund the necessary road improvement projects. He said while he was disappointed in the outcome it is critical that the City continue to collect revenue to make such critical infrastructure improvements. Council Member Bales believed it was important to collect the property taxes that are needed and it is vital to the roadways to pass the 3.4 mill levy. He did agree with this being a continual levy because the City does rely so heavily on grant funding and it is important to know what kind of revenues the City will have in the years to come. Council Member Bales supported the resolution.

Council Member Bales MOVED to approve Resolution 21-02, seconded by Council Member Schwartz. Motion PASSED by majority voice vote

Resolution 21-03 BusinessFirst! Cooperative Economic Development Agreement
Clerk Gillaugh read a Resolution authorizing the City Manager to sign and execute the BusinessFirst! for a Greater Dayton Region Business and Expansion Program Intergovernmental Cooperation Agreement 2021-2025.

Mr. Burkett stated this has been a program the City has been involved in since 2016. He explained BusinessFirst is an inner-cooperation agreement with many jurisdictions in Montgomery County and Greene County. Mr. Burkett said it is a good program for educational purposes for staff and businesses. He explained this is also an insurance policy because this agreement states other cities will not try to actively recruit businesses that are in Beavercreek to come to them and vice versa. He stated in order to have the City Manager sign the four-year contract City Council has to approve this resolution.

Council Member Bales MOVED to approve Resolution 21-03, seconded by Council Member Duerr. Motion PASSED by majority voice vote

Resolution 21-04 Approval of Funding Agreement with Ohio Department of Transportation for Indian Ripple Road Sidewalk Project
Clerk Gillaugh read a Resolution authorizing the City Manager to enter into a LPA Federal Project Agreement with the Ohio Department of Transportation for the Project known as the Indian Ripple Road Sidewalks Project, PID No. 103493.

Mr. Moorman stated back in 2016 the City received grant funding for a road project along Indian Ripple Road between Harbert and Grange Hall. He explained what the project entailed, and said the City has acquired all right-of-way needed for the

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project. Mr. Moorman stated the design work has been completed and they are now ready to proceed to construction as this project is included in the 2021 Capital Budget for the City, but before proceeding it is necessary to enter into a grant agreement with the Ohio Department of Transportation for the project. He requested City Council approve this resolution.

Council Member Duerr MOVED to approve Resolution 21-04, seconded by Vice Mayor Adams. Motion PASSED by majority voice vote

COUNCIL TIME

Council Member Schwartz congratulated Chief Florita on his swearing in this morning. She stated this Covid pandemic is not going away so she urged the citizens to take the necessary precautions and wear masks because the hospitals are struggling.

Council Member Curran congratulated Chief Florita, and believed he will do a super job. He said the citizens need to follow the CDC guidelines and they need to follow the directions given in the next several weeks regarding the vaccine. Council Member Curran hoped this would be something behind us in the months to come.

Council Member Bales wished everyone a Happy New Year. He congratulated Chief Florita, and thanked him for his long service to the community. Council Member Bales appreciated the creativity of Parks and Recreation Department. He received a Park's notification about a snowflake scavenger hunt, and believed the pandemic has forced everyone to get more creative. Council Member Bales said even though it was a little chilly, he played his first round of golf yesterday. He said everyone needs to pray for our country and for a peaceful transition of power.

Council Member Duerr wished everyone a Happy New Year. He congratulated Chief Florita and said he was a wonderful asset to our community. Council Member Duerr thanked the Parks and Recreation Department for the lights at Wartinger Park. He hoped everyone stays safe in the flu and Covid season.

Vice Mayor Adams wished everyone a Happy New Year and hoped 2021 is a better year and that we all get back to some sort of normalcy as this year goes on. He explained he has been volunteering at the Greene County Health Department at the clinics giving the vaccines. Vice Mayor Adams said they are currently doing Phase IA and Phase IB should be starting soon. He stated if anyone is interested in getting their name on the list for the vaccine they should go to the Greene County Health Department's website, the City's Facebook or City's website for more information. Vice Mayor Adams explained it is a two shot process with 28 days

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between the shots. He stated he attended a virtual meeting with the Beavercreek Youth Council yesterday and gave an overview on what they are working on. Vice Mayor Adams said the Mall at Fairfield Commons is having a dedication to flight over the next several months with several different displays and said currently there is a full-scale model of the Wright B Flyer near the entrance by Basil's restaurant. He congratulated Chief Florita on his promotion.

MAYOR'S REPORT

Mayor Stone stated 2020 was a different year, but the important part was to remember there was good. He is hoping that 2021 will be better. Mayor Stone congratulated Chief Florita, and asked him to come up and speak for a few minutes. He said it was his pleasure and honor to be able to swear him in this morning.

Chief Florita said he mentioned back on November 9th when they said goodbye to Chief Evers that he has been a mentor of his for his entire 29 year career here at the City. He said it is an honor and privilege to fill in this capacity with the men and women they have at the Police Department and with the community. He appreciated and thanked Council very much.

CITY MANAGER REPORT


Mr. Landrum congratulated Chief Florita, and shared several pictures from the swearing in this morning. He discussed the Snowflake Search event put on by the Parks and Recreation Department. Mr. Landrum said City Hall would be closed Monday, January 18th in observance of Martin Luther King Day. He mentioned the lights at Wartinger Park and said the winner was the Optimist Club. Mr. Landrum stated on the City's website there is a link to the Covid-19 vaccine information.

CITIZEN COMMENTS

There were no comments.

ADJOURNMENT

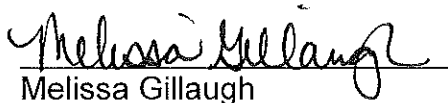
Council Member Curran MOVED to adjourn the meeting at 7:19 p.m., seconded by Council Member Schwartz. Motion PASSED by majority voice vote.



Bob Stone, Mayor

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ATTEST:

A handwritten signature in cursive script, appearing to read "Melissa Gillaugh", written over a horizontal line.

Melissa Gillaugh

Deputy Clerk

Cmim01112021