

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

CALL TO ORDER

Mayor Stone called the meeting to order followed by roll call

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

ABSENT: Council Member Garcia

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

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

PLEDGE

Council Member Bales led the pledge and a prayer.

APPROVAL OF AGENDA

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

PRESCHEDULED SPEAKERS

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

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

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

Mayor Stone invited any of the committee members to speak

Mark Walsh

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

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

Roselyn Brailey

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

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

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

ORDINANCES, RESOLUTIONS AND PUDS

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

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

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

LIQUOR PERMITS

Miller Partners LLC DBA Knollwood Tavern (Transfer)

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

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

DECISION ITEMS

Boards and Commissions Appointments

Planning Commission (2 Vacancies)

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

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

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

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

Board of Zoning Appeals (2 Vacancies)

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

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

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

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

Community Reinvestment Area Housing Council (3 Vacancies)

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

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

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

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

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

Tax Incentive Review Council (1 Vacancy)

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

Council Member Bales nominated Jason Scott.

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

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

Parks, Recreation and Culture Board (1 Vacancy)

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

Council Member Bales nominated Dan Tipps.

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

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

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

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

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

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

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

Tree Advisory Board (2 Vacancies)

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

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

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

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

Youth Development Council (3 Vacancies Minimum)

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

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

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

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

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Environmental Advisory Board (6 Vacancies)

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

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

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

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

Personnel Board (1 Vacancy)

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

Council Member Bales nominated Craig Kigar.

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

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

COUNCIL TIME

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

Council Member Schwartz met with girl scouts last Wednesday,

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

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

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

MAYOR'S REPORT

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

CITY MANAGER'S REPORT

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

CITIZEN COMMENTS

There were no Citizen Comments

EXECUTIVE SESSION

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

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

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

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

Resolution 20-06 One Ohio Memorandum of Understanding

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

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

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

ADJOURNMENT

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



Bob Stone, Mayor

ATTEST:



Dianne Miscisin
Clerk of Council
Cmin02242020