

BEAVERCREEK CITY COUNCIL
REGULAR MEETING April 8, 2019 6:00 p.m.

PROCLAMATIONS

- ◆ National Public Safety Telecommunicators' Week
- ◆ Autism Awareness Month

CALL TO ORDER

Mayor Stone called the meeting to order followed by roll call

PRESENT: Council Member Litteral, Council Member Rushing, Council Member Upton, Council Member Vann, Vice Mayor Garcia, Mayor Stone

ABSENT: Council Member Curran

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

ALSO IN ATTENDANCE: Dennis Evers, Chief of Police; Bill Kucera, Financial Administrative Services Director; Pete Landrum, City Manager; Jeff McGrath, Planning & Development Director; Steve McHugh, Legal Counsel; Dianne Miscisin, Clerk of Council; Jeff Moorman, City Engineer; Mike Thonnerieux, Public Administrative Services Director

PLEDGE

Vice Mayor Garcia led the pledge and a prayer.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Council Member Litteral MOVED to approve the March 15, 2019 Work Session Minutes, seconded by Council Member Vann. Motion PASSED by majority voice vote.

PUBLIC HEARING – PUD 18-4 SSP #1 Beaver Creek Business Park

Clerk Miscisin read an application filed by EDB International Inc., 6375 Shier Ring Road, Ste. F., Dublin, OH 43016. The application requests approval of a specific site plan for 11.82 acres of land to allow for the construction of Phase I, which will consist of approximately 50,000 square feet of self-storage warehouses, and Phase II, which will consist of two office/warehouse buildings totaling 24,000

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square feet south of U.S. 35. The property is further described as Book 6, Page 18, Parcel 55 on the Greene County Property Tax Atlas.

Applicant Presentation

Rob Arnold 2753 Scarborough Place, Xenia, OH 45385

Mr. Arnold said this is a difficult piece because of the sewer treatment across the street that presents issues. He said they looked at different kinds of product that would not be impacted by this fact. He said a store and lock is a benign, quiet use along with an office warehouse. He said this was zoned many years back.

Staff Presentation

Mr. McGrath summarized the staff report dated April 4, 2019 stating the applicant was requesting approval of a site plan to construct 50,000 square feet of self-storage facilities spread out in eight buildings, a small 800 square foot office for the self-storage units and two, 12,000 square foot office/warehouse buildings on 11.8 acres. He reviewed the location, surrounding zoning, the proposed site plan, access points, elevations, fencing, lighting, and signage. He said this was rezoned in 2006 with a specific site plan approved in 2009. He said this was the exact same site plan that came forward in 2009 with the exception of a redesign of the access points because of the realignment of the roads. He said office/warehouse was unique to Beavercreek and has a high request for. A majority of the property is within the 100-year floodplain and the city's requirements are more stringent than FEMA's one foot requirement. He said this project was showing three or four feet above the 100-year base flood elevation. He said the city requires two feet above the base flood elevation. Planning Commission and staff recommended approval of this request.

Public Input

Susan Marticello, 270 Rebel Ct., Beavercreek, Ohio

Ms. Marticello stated she was representing 25 families. She said she was a concerned citizen, property owner and a Beavercreek tax payer. She said she has neighbors that think this is a done deal and there was no point in talking with council tonight. She understood this was Mr. Arnold's land and had the right to develop it. She would love for it not to get developed because she loves the natural wooded area. She said she was not happy with the business park but could live with it. She was opposed with the storage units and passed out a map displaying a map depicting five storage units within a 2.5 mile radius of the site plan. She said none of them are full and therefore there was no need more storage units. She had a concern for the lighting. She said there would be negative impact to the neighbors' properties. She said there was also not much of a buffer.

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

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Council Input

Council Member Vann asked about the 100-year floodplain and why it was important to respect the 100-year floodplain and questioned if this should even be developed. She said the reason the federal government forced us to have floodplain management was so the city could make sure to provide ecological systems for success of the whole community. She said if we build within that it was a concern to her.

Mr. McGrath said they take that into very serious consideration. He said the city has a floodplain administrator to ensure all the FEMA rules and regulations are followed. He said the federal government has established a minimum requirement for the criteria for developing in a floodplain. He said the biggest thing was to administer the FEMA floodplain regulations to keep everybody who does have a property in the floodplain eligible for subsidized flood insurance through the federal government. He said everything on this site would be FEMA certified which requires pre-development surveys of the property to get the topography and then there would be pro-development survey to ensure that it was developed as it was purposed on the plans. He said there was a federally regulated stream that runs through the property that the owner would not be able to impact. He said the only thing that would go over the stream would be the access drive but they would have to build it in accordance with FEMA regulations which was similar to what the city has to do when building bridges over the Little Miami River.

Council Vann asked to see a drawing depicting where the stream was in relation to the buildings. She said she was sensitive to the fact that if there was a disaster it would be taxpayer money that would pay for it. She was glad this was thought out thoroughly and the consequences of the floodplain. Council Member Vann asked Mr. Arnold about landscaping. Mr. Arnold said they would be keeping as much of the natural look as possible.

Council Member Upton said this was rezoned a number of years ago asked when that was. Mr. McGrath said it was initiated in 2006 and adopted in May 2007. He said there were not expirations on PUD rezoning. Council Member Upton asked if there had been any additional interest in this plot of land. Mr. McGrath said the Arnold's have owned this land the whole time. He did say this was back again because of a five year expiration date on specific site plans. He said in 2009 this was changed to three years. Council Member Upton said he was encouraged that there was some thought in utilizing this area.

Mayor Stone said this is pretty much what was approved before. He said it was always a tough one when you're trying to building between commercial and

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residential when you have a sewage treatment plant on one side of the street and this piece of land on the other. There are very limited uses for this type of land. He said residential does not want to up against the sewage treatment plant as well as most retail.

Council Member Vann asked about the setback from the residents. Mr. McGrath reviewed the setbacks on a one of the drawings.

Council Member Litteral asked Mr. Arnold if they had spoken with the neighbors. Mr. Arnold said no. He said if it was residential there would be lighting also. It's a lot more benign than residential and would be more natural.

Motion

Council Member Upton moved for the purpose of taking administrative action, approval of a Specific Site Plan for Beaver Creek Retail Campus, 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 a Specific Site Plan as per §158.066 of the Zoning Code. Supplementary conditions required of this approval shall be as follows. Council Member Upton further moved that this motion with all conditions be fully recorded in the minutes of this Council meeting.

1. The approved site and landscape plans shall be the plans dated "Received February 27, 2019" except as modified herein.
2. The approved elevations shall be the architectural drawings dated "Received February 27, 2019" except as modified herein.
3. A PUD Agreement must be signed by the owner and a bond or letter of credit 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 Planning and Zoning Department.
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. The final landscape plans shall include landscaping around the base of each of the ground signs. The final design of the landscaping shall be

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- reviewed and approved by the Planning Department prior to the approval of the Landscape Plan.
6. The final Landscape plan shall include shade trees along both sides of Business Campus Drive, and shrubs in front of the handicap parking spaces for the mini-storage office building.
 7. The light fixtures and poles to be used within this development, along with a final photometric plan showing foot-candles to the property lines shall be reviewed and approved by the Planning Department prior to the issuance of a zoning permit for the building. All pole mounted light fixtures shall be located in terminal, interior or perimeter landscape islands. The maximum mounting height for pole mounted fixtures shall be 16 feet in Phase 1 and 24 feet in Phase 2.
 8. A Final Subdivision shall be approved by the Planning Commission and all necessary bonds and fees shall be paid prior to the release of a zoning permit for the any building within the PUD.
 9. Business Campus Drive shall be constructed from Factory Road to Alpha-Bellbrook Road, in its entirety as part of Phase 1 and 2 and shall be bonded as part of the Final Subdivision.
 10. Debris and trash shall be routinely collected by the owner from the parking lot and grounds of all areas of the project including storm drainage facilities. The City reserves the right to require more frequent collection as deemed necessary.
 11. The building exterior shall not be painted or altered in any way that varies from the approved elevations unless otherwise approved by the Planning Department or, if required, by the City Council and/or Planning Commission.
 12. The final color of all man, service, loading dock, overhead doors and garage doors shall be approved by the Planning Department prior to the release of a zoning permit.
 13. All trash collection containers shall be enclosed within a building or screened from view through the use of a permanent dumpster enclosure designed to match the building by using the same materials as those found on the building. The final design shall be reviewed and approved by the Planning Department prior to the issuance of a zoning permit.

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14. All ground mounted mechanical equipment shall be screened from view per the review and approval of the Planning Department.
15. All concerns of the City Engineer, Fire Department, Sanitary Engineer, Planning Department and the Beavercreek Police Department shall be addressed prior to the issuance of a permit for any building in this project.
16. All stormwater calculations and detention/retention plans shall be approved by the Engineering Department prior to the release of a zoning permit.
17. Aeration and water circulation devices and/or fountains are required for the retention pond(s) and shall be maintained by the owner, developer, or the condo association in perpetuity.
18. All areas disturbed as part of the construction that are not part of the Phases I and II shall be restored, seeded and maintained and shall be free of noxious weeds and construction debris, within three months of the completion of construction, or sooner, as required by the Planning and Development Department.
19. Downspouts shall be internally mounted and shall not be visible on the exterior of the structure or on any structure within this development except as specifically approved by the Planning Commission and/or Planning Department.
20. Material and color samples shall be submitted to the Planning Department for review and approved prior to the issuance of a zoning permit, to ensure that the brick and split face block are carried to all four elevations of every building. The final color of the brick used on the building shall be approved by the Planning Department prior to the issuance of a zoning permit for the building.
21. The final design of all guardrails to be installed in the PUD shall be submitted to the Planning Department for review and approved prior to the issuance of a zoning permit.
22. Construction hours for this PUD shall be limited to 7:00 AM to 7:00 PM, Monday thru Saturday.
23. Should any grading for the access points along Alpha-Bellbrook Road or Factory Road be on private property not owned by the applicant, the applicant shall be required to provide proof of permission to perform grading

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- by the appropriate landowner to the Planning Department prior to the issuance of a zoning permit.
24. Four interior parking lot islands shall be added as shown on **Exhibit 1**. Each island shall include a shade tree and ground cover, to be included on the final landscape plan prior to the approval of the landscape plan.
 25. Prior to the occupancy of any of the mini-storage buildings, the applicant shall submit and receive approval of a Certificate of Use Compliance. Prior to the occupancy of either of the Office/Warehouse Buildings, the applicant shall submit and receive approval of a Certificate of Use Compliance for each of the buildings.
 26. Prior to the issuance of a Certificate of Use Compliance for the mini-storage units, the applicant shall submit a security plan for the mini-storage units. The security plan shall detail the type of the required access restriction being used (i.e. security cards, fobs or PIN numbers) and the location of all security cameras located within Phase I. The mini-store and lock units within Phase I of this development shall be properly secured to the satisfaction of the Police Department at the specific site plan stage and prior to the issuance of a zoning permit and shall provide video surveillance and keypad or card reader secured entrances.
 27. All buildings shall incorporate four-sided architecture and shall have no apparent rear.
 28. The final design of the rear and side elevations of the mini-storage office building shall be reviewed and approved by the Planning Department prior to the release of a permit. The design shall incorporate the brick walls, with split-face block base, the same as with the other buildings in the development.
 29. The two handicap parking spaces to the south of the self-storage warehouse office building shall be moved outside of the 100-foot building and parking setback along Factory Road.
 30. The brick used to construct the ground signs shall be the same brick used to construct the buildings.
 31. Prior to the release of a zoning permit, there shall be a traffic study performed, and provided to the City Engineer for approval, to ensure that

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approved roadway improvements accommodate the impact this project will have on traffic patterns.

32. The ground sign located at Alpha-Bellbrook Road shall incorporate the same column and cap design as shown on the ground sign to be located at Factory Road, as shown in **Exhibit 2**. The final design shall be reviewed and approved by the Planning Department prior to the issuance of a sign permit for either sign.
33. There shall be no outdoor storage, display, rental or sales at any time of automobiles, recreational vehicles, material, equipment, machinery or merchandise at any time unless approved by the Planning Commission.
34. All floodplain requirements and permits must be completed and approved by FEMA and the Beaver Creek Planning and Development Department prior to the release of a zoning permit for any building. A HEC study shall be conducted and provided to the City Engineer prior to the release of a zoning permit.

Seconded by Council Member Litteral. Motion PASSED by majority voice vote.

ORDINANCES, RESOLUTIONS AND PUDS

Ordinance 19-02 Council Compensation (Third Reading)

Clerk Miscisin read an Ordinance increasing the annual salary of the members of council to twelve thousand dollars (\$12,000.00) effective January 1, 2020 per Charter Section 4.10 Compensation.

Council Member Upton said he was absent from the last meeting but was encouraged by the dialogue.

Mayor Stone said he was prepared to pass the gavel to make a motion

Council Member Vann said she was still agreeable to leave it where it is as it only happens every 20 years. She wanted people to realize the importance of the job

Council Member Litteral felt a 100% increase was a little much but Council should have more compensation. She agreed with both Council Member Vann and Vice Mayor Garcia because people are busy and want them to be engaged and involved. Council Member Litteral said there is not enough incentive to do this job. You are busy as there are lots of things going on in the community and many engagements that you have to attend on behalf of Council. She knew it had been 20 years but at the same time we have a Parks and Street Levy and lots of other

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things going on in the community. They need to look at all of those pieces at the same time.

Mayor Stone said there was discussion of the charter review committee looking at it as a charter review change every five years.

Council Member Vann MOVED to approve Ordinance 19-03. Motion FAILED for lack of a second.

Mayor Stone PASSED the gavel to Vice Mayor Stone

Mayor Stone MOVED to amend Ordinance 19-03 by changing the amount to \$10,800, seconded by Council Member Rushing. Motion PASSED by majority voice vote. (Against – Litteral)

Council Member Vann MOVED to approve Ordinance 19-03 as amended, seconded by Mayor Stone. Motion PASSED by majority voice vote. (Against - Litteral)

Vice Mayor Garcia passed the gavel to Mayor Stone.

Resolution 19-24 CDBG Funding Application

Clerk Miscisin read a Resolution to authorize the submittal of funding application for Community Development Block Grant (CDBG) Funding through the Greene County Department of Development.

Mr. Moorman said they were informed the Greene County Commissioners were accepting applications for the Community Block Grant Funding. He said in reviewing the restrictions on the grant money he said they were recommending one application. He said the application would be for the lighting and sidewalk improvements associated with the new parking facility along the north side of Southview Street to service the Senior Center. He said the proposed cost of the improvements was \$40,000 with proposed funding of \$32,000 from the grant with an \$8,000 match.

Council Member Litteral thanked staff for doing this and it was a great opportunity.

Council Member Vann MOVED to move Resolution 19-24, seconded by Council Member Rushing. Motion PASSED by a majority voice vote.

Resolution 19-25 Additional Dispatching Services with Beaver Creek Township

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Clerk Miscisin read a Resolution to authorize the City Manager to enter into an agreement with Beavercreek Township for the City of Beavercreek to provide additional fire and emergency personnel dispatching services.

Chief Evers said this was an agreement between the City of Beavercreek and Beavercreek Township for the City of Beavercreek Police Department to provide additional dispatching service for the Township's Fire Department. Beavercreek Township entered into an agreement to provide fire/EMS services to Bath Township commencing January 1, 2019 for three years requiring this separate agreement for additional dispatching services. The duration of the agreement mirrors Beavercreek Township's agreement with Bath Township. This agreement shall automatically renew for an additional three year period unless written notice by the party intending to cancel is given to the other party by June 30th of the preceding year. The amount agreed to was \$17,070 and should involve less than 250 calls to the area that Beavercreek Township is servicing.

Mayor Stone asked if this amount was adjustable. Chief Evers said if the call number goes up, their fee goes up and the city's fee goes up.

Council Member Litteral MOVED to move Resolution 19-25, seconded by Vice Mayor Garcia. Motion PASSED by a majority voice vote.

COUNCIL TIME

Council Member Upton asked folks to check out what's going on with the Parks Department. He said there were lots of activities in the next few weeks.

Council Member Vann said the Public Health Department is celebrating 100 years. She attended a meeting with the Township and Greene County regarding the Russ property. She said the business park would be offering many certificates and opportunities. She thought there should be other accomplishments put on the city entrance signs and should be rotated every few years.

Council Member Litteral reminded everyone of the Taste of Greene County was this Sunday at the old Elder Beerman at the mall. The Beavercreek Women's League Scholarship Luncheon was being held April 27th.

Vice Mayor Garcia said McAllister's had a ribbon cutting for the new owners.

MAYOR'S REPORT

Flying Aces' ribbon cutting was being held on April 11th. He said the Dayton Development Coalition Fly-In held last week in Washington D.C. was very interesting.

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CITY MANAGERS REPORT

Mr. Landrum said the Parks Department is taking nominations for the Fourth of July Grand Marshal until May 1st. The ribbon cutting of Rotary Park playground will be Friday, April 19th at 4:00 p.m. at Rotary Park. The Summer Kick Off will be held on Saturday, April 27th from 11:00 a.m. – 2:00 p.m. at Lofino Park. Mr. Landrum reviewed the North Fairfield Resurfacing project and the Grange Hall/National Road Widening project.

CITIZEN COMMENTS

There being no comments, Citizen Comments was closed.

EXECUTIVE SESSION


Council Member Upton MOVED to enter into Executive Session at 7:12 p.m. pursuant to Section 121.22 of the Ohio Revised Code, for the purpose of preparing for, conducting or reviewing negotiations or bargaining sessions with public employees, seconded by Council Member Litteral. Motion PASSED by roll call vote of 6-0.

Council Member Vann MOVED to adjourn executive session at 7:45 p.m., seconded by Vice Mayor Garcia. Motion was PASSED by roll call vote of 6-0

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


ADJOURNMENT

Council Member Litteral MOVED to adjourn the meeting at 7:46 p.m., seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.



Bob Stone, Mayor

ATTEST:



Dianne Miscisin
Clerk of Council
Cmin040819