

BEAVERCREEK CITY COUNCIL  
REGULAR MEETING August 10, 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 Duerr, Council Member Schwartz, Vice Mayor Adams, Mayor Stone

ABSENT: Council Member Garcia

Council Member Curran MOVED to excused Council Member Garcia, seconded by Council Member Duerr. Motion PASSED by majority voice vote.

ALSO IN ATTENDANCE: Randy Burkett, Acting Planning and Development Director; Dennis Evers, Chief; Jeff Fiorita, Deputy Chief; Bill Kucera, Financial Administrative Services Director; Pete Landrum, City Manager; Josh Lounsbury, Legal Counsel; Dianne Miscisin, Clerk of Council; Sandra Pereira, City Planner; Mike Thonnerieux, Public Administrative Services Director

**PLEDGE**

Council Member Duerr led the pledge and a prayer.

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

Council Member Bales MOVED to approve the July 25, 2020 Annual Council/Management Strategy Minutes, seconded by Vice Mayor Adams. Motion PASSED by majority voice vote.

Council Member Duerr MOVED to approve the July 27, 2020 Regular Meeting Minutes, seconded by Council Member Bales. Motion PASSED by majority voice vote.

**PRESCCHEDULED PRESENTERS**

**Beavercreek City Schools Update, Paul Otten, Superintendent and JoAnn Rigano, School Board President**

Mr. Otten thanked council for the invite. He said everything changed when the students were sent home on March 16<sup>th</sup> and ever since the schools were dealing with a lot of unknowns and changes on a daily basis. He explained that students had three models to choose from for their return to school; traditional, blended and

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remote. Most were choosing the traditional option. He reviewed the process for returning to school and the processes that had been put into place with regards to cleaning and sanitizing.

Ms. Rigano explained the new normal was dealing with constant change. They respected the parents' importance to have choices and the need to work as a team. She said this was going to be a difficult year.

### **Police Promotions, Recognitions and Awards, Chief Evers**

Chief Evers reviewed the awards that have been received by various members of the police department. He said the department received their CALEA Accreditation Award for the seventh time since 1999, the third time with Excellence

### **ORDINANCES, RESOLUTIONS AND PUDS**

#### **Ordinance 20-15 PC 20-3 Land Use Plan Update (Second Reading)**

Clerk Miscisin read an Ordinance amending the Land Use Plan in accordance with Chapter 158.171 (D) (1) of the Beaver Creek Zoning Code.

Mayor Stone allowed public input on the second reading.

Curtis Notestine, 1852 Deerbrook Trail, Beaver Creek, Ohio

Mr. Notestine said there was a danger and risk with solar farms. He said there are very hazardous chemicals used in the making of solar panels. He was concerned that in the case of a tornado, it would rip up the solar field and the chemicals would get into the ground water and contaminate the aquifers. He said the batteries used have lead acid and lithium ion and was concerned if the fire department had the equipment and training to fight a fire with the chemicals used. He also voiced geographic concerns in Ohio and the cost and maintenance and decommissioning of the panels.

Nicole Marvin, 1334 Bradfute Road, Xenia, Ohio

Ms. Marvin said solar power was only 12-20% efficient and always has to have a backup energy source. She questioned the plans for solar waste when the panels are outdated or damaged. She questioned the wildlife in the area and how they would be affected. She questioned who would clean up the site if it were to be abandoned. She had listed many issues to be considered with solar fields.

Mr. Burkett said the city had not received any applications for any solar farms. He said they were talking about the Land Use Plan and solar farms was part of the Zoning Code which was the next legislation on the agenda. He said the only districts solar farms would be allowed in the future would be industrial districts. He also said from an economic standpoint, solar farms would need to be more than

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ten acres. He explained any development over ten acres would need to be rezoned and go through the PUD process. He said they were putting regulations in the code should the city receive any applications.

Council Member Curran MOVED to approve Ordinance 20-15, seconded by Council Member Bales. Motion PASSED by majority voice vote.

**Ordinance 20-16** PC 20-4 Zoning Code Update (Second Reading)

Clerk Miscisin read an Ordinance amending the Zoning Code in accordance with Chapter 158.175 of the City of Beavercreek Zoning Code.

Council Member Bales suggested if there were a solar farm application that there be multiple readings for it.

Ms. Pereira clarified the conditional use approval for a solar farm would require only one Planning Commission meeting. If a property is over ten acres, which private solar farms would more than likely be over ten acres, it would have to go through the PUD process which would be a minimum of five public hearings before it would be approved.

Council Member Schwartz MOVED to approve Ordinance 20-16, seconded by Council Member Curran. Motion PASSED by majority voice vote.

**Ordinance 20-18** Supplement to the Code of Ordinance S-34 (Emergency)

Clerk Miscisin read an Ordinance enacting and adopting a supplement to the code of Ordinances for the City of Beavercreek and declaring an emergency.

Clerk Miscisin explained the codification process and how this was updating the Code of Ordinances based on 2019's legislation and updates from the Ohio Revised Code.

Council Member Schwartz MOVED to approve Ordinance 20-18 as an emergency, seconded by Council Member Duerr. Motion PASSED by a roll call vote of 7-0.

**Resolution 20-19** Electric Generation Supply Agreement with Miami Valley Cable Council (MVCC)

Clerk Miscisin read a Resolution authorizing the City Manager to execute amendment no. 5 to an agreement for electric generation supply with a competitive retail electric service provider.

Mr. Landrum explained MVCC is recommending an extension of the agreement to maintain low rates until 2024 for commercial government buildings and lights.

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Council Member Duerr MOVED to approve Resolution 20-19, seconded by Council Member Curran. Motion PASSED by majority voice vote.

**Resolution 20-20** Approval of City Appointment of Planning and Development Director

Clerk Miscisin read a Resolution by Beavercreek City Council recognizing Randy Burkett's service to the City of Beavercreek and approving the City Manager's appointment of Randy Burkett to the position of Planning and Development Director.

Mr. Landrum explained that Mr. Burkett has been with the City as City Planner for 13 years. He was appointed as interim Planning Director in February and has done an outstanding job. Mr. Burkett is also fifth generation Beavercreek resident along with his education that he made him the best choice for fill the Planning and Development Director position. Mr. Landrum asked for Council's approval of the appointment of Mr. Burkett for the position of Planning and Development Director.

Mr. Burkett thanked Mr. Landrum for the opportunity and looked forward to his continued growth with the City.

Council Member Schwartz MOVED to approve Resolution 20-20, seconded by Vice Mayor Adams. Motion PASSED by majority voice vote.

**Resolution 20-21** Acceptance of DARE Grant

Clerk Miscisin read a Resolution authorizing the Police Department to accept the Ohio Attorney General's Drug Use Prevention (D.A.R.E.) Grants Program funding.

Deputy Chief Fiorita said this Resolution would allow the Police Chief to accept state grant monies to be applied to the DARE Officer's salary during the school year. The grant is through the Ohio Attorney General's office and the Beavercreek Police Department would receive \$24,617.10 for the 2020-2021 school year. The DARE Officer teaches approximately 600 students per year.

Council Member Curran MOVED to approve Resolution 20-21, seconded by Council Member Schwartz. Motion PASSED by majority voice vote.

**LIQUOR PERMITS**

**Basils on Market LLC (New)**

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Deputy Chief Fiorita said the Ohio Division of Liquor Control sent police notification referencing a new D5J permit for Basils on Market LLC., 2729 Fairfield Commons, Beavercreek, Ohio 45431. The records checks required by the Ohio Department of Commerce – Division of Liquor Control were conducted on the Business officers/shareholders for this application request. Staff recommend this application request move forward without comment.

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

### **DECISION ITEMS**

#### **Appointments to Boards and Commissions**

##### *Planning Commission (1 Vacancy)*

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

Council Member Bales nominated Keith Ayers.

Council Member Curran MOVED to close nominations for the Planning Commission, seconded by Council Member Bales. Motion PASSED by majority voice vote.

Council Member Bales MOVED to appoint Keith Ayers to the Planning Commission for the term ending February 28, 2022, seconded by Council Member Curran. Motion PASSED by majority voice vote.

##### *Board of Zoning Appeals (2 Vacancies)*

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

Council Member Schwartz nominated Wendy Rodgers.

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

Council Member Schwartz MOVED to appoint Wendy Rodgers to the Board of Zoning Appeals for the term ending February 28, 2021, seconded by Council Member Bales. Motion PASSED by majority voice vote.

##### *Environmental Advisory Board (4 Vacancies)*

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

Council Member Duerr nominated Adedeji Badiru. Council Member Bales nominated Jason Tincu.

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

Council Member Bales MOVED to appoint Adedeji Badiru and Jason Tincu to the Environmental Advisory Board for the term ending February 28, 2022, seconded by Council Member Schwartz. Motion PASSED by majority voice vote.

*Youth Development Committee (minimum 1 Vacancy)*

Council Member Duerr MOVED to open nominations for the Youth Development Committee, seconded by Vice Mayor Adams. Motion PASSED by majority voice vote.

Council Member Bales nominated Gina Turlington. Mayor Stone nominated Teresa Petty.

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

Council Member Bales MOVED to appoint Teresa Petty and Gina Turlington to the Youth Development Committee for the term ending February 28, 2022, seconded by Council Member Schwartz. Motion PASSED by majority voice vote.

### **COUNCIL TIME**

Council Member Curran attended the income tax seminar that was held at the Lofino Center which was well attended and had good discussion. He expressed his sympathies to Captain Molnar's family.

Council Member Schwartz commented on the police awards. She said it's wonderful to see the positive outcomes with the police and the schools. She had observed that there have been a lot more people out and about visiting local businesses.

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Council Member Duerr said his family has been using the tennis facilities as a family and encouraged residents to enjoy the facilities. He said the Chamber of Commerce was having a virtual lunch and learn on August 25<sup>th</sup>.

Council Member Bales thanked the schools for their presentation. He said the Chief has a fantastic staff and knew we are in good hand in the future. He said the parks department has a golf scramble at the end of the month and proceeds go to the parks system. He asked everyone to shop locally as much as possible. He asked that everyone to get the facts related to the income tax to make an informed decision.

Vice Mayor Adams congratulated the three Beavercreek police officers recently promoted. He congratulated the other award winners. He said there would be a Citizens Police Academy for residents starting in September. He expressed his condolences to Captain Molnar and his family. He asked everyone to support local businesses.

#### **MAYOR'S REPORT**

Mayor Stone thanked the police for the fantastic job they do. He asked that everyone complete the census if they had not already done so.

#### **CITY MANAGER'S REPORT**

Mr. Landrum reviewed the resurfacing on I-675. He reviewed the activities, programs and special events being provided by the Beavercreek Senior Center. There will be a drive-thru corn roast on Tuesday, August 25<sup>th</sup> from 11:30 a.m. – 1:00 p.m. at the Senior Center.

#### **CITIZEN COMMENTS**

There being no comments. Citizen Comments was closed.

#### **ADJOURNMENT**

Council Member Curran MOVED to adjourn the meeting at 8:16 p.m., seconded by Vice Mayor Adams. Motion PASSED by majority voice vote.



Bob Stone, Mayor

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ATTEST:



Dianne Miscisin  
Dianne Miscisin  
Clerk of Council  
Cmin08102020