

BEAVERCREEK CITY COUNCIL
REGULAR MEETING September 14, 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 Garcia; Council Member Schwartz, Vice Mayor Adams, Mayor Stone

ABSENT: None

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; Steve McHugh, Legal Counsel; Dianne Miscisin, Clerk of Council; Sandra Pereira, City Planner; Mike Thonnerieux, Public Administrative Services Director

PLEDGE

Council Member Schwartz 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 Schwartz MOVED to approve the August 10, 2020 Regular Meeting Minutes, seconded by Council Member Duerr. Motion PASSED by majority voice vote.

Council Member Curran MOVED to approve the August 17, 2020 Work Session Minutes, seconded by Council Member Schwartz. Motion PASSED by majority voice vote.

PUBLIC HEARING – PC 20-8 Zoning Code Text Amendments

Clerk Miscisin read an application filed by Rachel O'Leary, 1263 Lomeda Lane, Beavercreek, Ohio. The applicant requests a Zoning Code Text Amendment to allow chickens in residential districts.

Applicant Presentation

Rachel O'Leary, 1263 Lomeda Lane, Beavercreek, Ohio

Ms. O'Leary gave an overview of her proposal which include single family households with lots of 15,000 square feet or larger, up to six hen chickens, coop

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located a minimum of 20 feet from property line and chicken ownership and accessory building permits required. She reviewed cities that currently allow chickens. She reviewed common questions regarding chickens and the benefits of owning chickens and some facts about chickens. She reviewed local veterinarians who provide medical care. She said the ASPCA, 4-H, Ohio State University and Green Umbrella support backyard chickens.

Staff Presentation

Mr. Burkett reviewed the history of this issue being brought forward to council in 2012 and 2016 which was removed both times by council expressing concerns with cleanliness and noise. He reviewed the proposed Ordinance and the regulations included in the document. He said Planning Commission recommended approval adding a two year review clause. He also proposed if Council chose to move forward two additional conditions.

Public Input

Kyle Williamson, 4128 Aley Dr., Beavercreek, Ohio

Mr. Williamson was against the Ordinance to permit chickens. He did not believe the Ordinance provides sufficient protection from those who moved to the suburbs for a safe, quiet environment. He said when they chose to buy their current house in Beavercreek the idea of chickens to be seen or heard in their backyard would have been laughable to them. His wife grew up on a farm and from her firsthand experience she always described chickens as dirty, smelly creatures. He did not find many of the pro chicken arguments to hold water. He said chickens are expensive and do not pay themselves off. Chicken feed and bedding cost \$300 per chicken per year, making a conservative estimate of \$1 per egg. He said one study puts the cost of an egg at \$2.12 making a dozen eggs \$25. He said there is no financial benefit to producing your own eggs. He said many of the form letters reference noise level compared to dogs. He said dogs do not live outside and do not dust bath themselves. He said the form letter tries to downplay that chickens are not dirty and full of disease. He said the CDC has been tracking salmonella outbreaks related to backyard poultry and found over 1,000 cases in 2019 alone resulting in over 200 hospitalizations and at least two confirmed deaths. He said chickens that carry salmonella show no signs of the disease. He said chickens can also carry Avian Flu, E.coli, lice, mites and several other bacterial, fungal and viral diseases. He said these are not things we should be introducing into our neighborhoods. He said a freshly cleaned chicken coop will not smell. Chickens defecated 70 times per day and during the summer pens would need to be cleaned every two days to prevent an overwhelming smell of ammonia. He had doubts of residents with full-time jobs would be able to maintain their coops. He said chickens coops are magnets for predators and pests. He said the form letter mentions supply chain disruptions, food source issues and food waste. He

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experienced supply chain disruptions in April just like everyone but his was related to toilet paper. He said health chickens lay every other day and asked if three eggs per day keep your family going if there is an actual food emergency or was the pro chicken group trying to capitalize on a national health emergency. He said the National Library of Medicine published a report showing home grown eggs are more likely to be contaminated than commercial eggs. He said support your local egg producing farmers if you are concerned about your food supply. He said if you are concerned about your food waste he encouraged people to compost. He said chickens are not a hobby, they are agricultural entities and do not belong in neighborhoods. He said if nothing convinces you to please consider a one acre minimum.

Tammy Heyne Barnes, 3418 Greer Dr., Beavercreek, Ohio

Ms. Barnes was interested in chickens because of allergies. Her family has allergies to cats and dogs and chickens are lovable. She said she had a full time job while taking care of a cat. Her grandchildren were eager to visit and take care of her chickens. She was pro having backyard chickens.

Bradley Couturier, 2775 Stauffer Dr., Beavercreek, Ohio

Mr. Couturier stated he supported this issue. He asked Council to come over to his house because his neighbor was definitely louder.

Milan Kennedy, 1334 Lomeda Lane, Beavercreek, Ohio

Mr. Kennedy had been a farmer and had 300 chickens. He said people don't raise backyard chickens for money savings. He said it's a hobby like gardening and golf. He said it's a relaxation, a life style change to unplug from technology, show your kids and grandkids where food comes from and a great opportunity to connect with nature. He said there were many aspects that were positive and no negatives that he could see. He had raised a lot of animals for 35 years. He said if any animal is dirty and smelly it's the person responsible fault. He said this is not a money saver but something you enjoy doing. He said everybody should have the opportunity to do this. He said it's a wholesome activity. He implored Council to pass the Ordinance.

Penelope Smith, 1757 Turnbull Rd., Beavercreek, Ohio

Ms. Smith was in favor of the proposal. She would like to have chickens for the fresh eggs and was not in it for the money. She was in it for the sustainability for herself and her family. She would like to teach her grandkids about the cycle of life and taking care of animals that also take care of you. She said cats and dogs have no other way to give anything back other than emotional support. She said everyone has good intentions here and want to do something for themselves.

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Amber Stammen, 4000 and 3942 Daren Dr., Beaver creek, Ohio

Ms. Stammen owns Double Infinity Stables and 3 in 1 Tree Service. She said she was in support of backyard chickens and currently own chickens because they own 16 acres in the City of Beaver creek. She said Be Hope Church had an event the past weekend with hundreds turning out for the event. She said they were asked to bring some of their animals which included a couple of chickens. She said chickens are not just farm animal. She said people come to her farm for therapy and one of the main things they like are chickens. She said there are ways to protect the chickens from the coyotes. She did not see the harm in allowing people to have six hens.

Linda Kennedy, 1334 Lomeda Lane, Beaver creek, Ohio

Ms. Kennedy supports this initiative and saw no reason why they would not be allowed to have six little hens. She said chickens are already in Beaver creek and hoped Council would do the right thing and make them legal.

Cory Hendrix, 2408 Rollingview Ave., Beaver creek, Ohio

Mr. Hendrix said he was one of the neighbors of Ms. Stammen. He said her farm was a huge selling point to moving near her farm. He said there are large farms within Beaver creek and thought it fair that he be allowed to have six chickens. He said chickens are more than just farm animals and her chickens even recognize him. He said having a full-time job and not being able to take care of chickens is a lie. He works a full-time job and still has time to go over and help to take care of the chickens and horses. He said he spoke with the superintendent and with Beaver creek not allowing any agricultural animals except on farms we have no 4-H and no FFA programs that he could find at Beaver creek City Schools or at the Greene County Career Center. He said allowing the chickens would open up scholarships and grants to our Beaver creek students. He was extremely for this proposal.

Monica Donohoo, 3971 La Bonne Rd., Beaver creek, Ohio

Ms. Donohoo supports backyard chickens for the sustainability and education value of it. She said there are many children that do not know where our food comes from. She said they are good for the environment because they eat insects and your garbage. She said there are people who will rent the whole setup. She said chickens are also used for pet therapy in nursing homes.

Seth Wagenman, 2782 Big Woods Trail, Beaver creek, Ohio

Mr. Wagenman supports the initiative. He said as a child he was able to raise chickens on a farm so it would be a different experience in the city. He said he understood Council trying to balance having to send out people to tear down coops and dispose of the chickens that are causing problems versus the need to give

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people an opportunity to try something. He thought it wise to have a two year review period and would hope that after two years you would find you may be able to relax your restrictions somewhat. He said he would appreciate it because his property is less than 15,000 square feet. He said there will be some people who will cause problems because there always will be but he believed the benefit to the community will far outweigh the small amount of problems that you will see. He hoped Council would give this initiative a chance.

Lisa Brock, 1835 Hanes Rd., Beavercreek, Ohio

Ms. Brock was in full support of the backyard chicken initiative. She said by allowing chickens in the city it would help her family become a little more self-sufficient. She said the waste of the chickens would be used in their garden and is a learning opportunity for all ages. She said her neighbors on Hanes Road agree with this initiative and some have sent in letters.

Todd Brock, 1835 Hanes Rd., Beavercreek, Ohio

Mr. Brock said he was 100% in support of the initiative. He said the supply chain is broke. He said there are a lot of things you cannot get anymore. He said you can't get a bicycle anymore. He said it's getting worse and he works in the supply chain industry. He said the more self-sufficient you can become the better off your life will be. He said his family gardens and does what they can. He said we are an agricultural community.

Aubrey Hendrix, 2408 Rollingview Ave., Beavercreek, Ohio

Ms. Hendrix said she would like chickens in Beavercreek.

Paul Deflorio, 4139 Grace Circle, Beavercreek, Ohio

Mr. Deflorio had a message from the government from 1918 during World War I saying "Uncle Sam expects you to keep and raise chickens." He thought this ironic because in 1918 was also the last pandemic. He said this message was to help the war effort. He said we are talking about the privilege to keep chickens. He said it also said "in a time of war patriotic duty and "in a time of peace and profitable recreation." He said the recreational value of chickens in the backyard is manifest. He has been a practicing physician for 20 years and has seen hundreds of cases in the emergency department including dog bites and other pet induced problems. He said the idea that chickens harbor the plague is very overdone. He's never heard of anybody coming in for a chicken problem. He thought this was safe and healthy for their community. He strongly asked Council to consider this motion.

Amanda Deflorio, 4139 Grace Circle, Beavercreek, Ohio

Ms. Deflorio supports backyard chickens. She said they were a military family and have lived in a fair number of places and thought this would be it for them. She

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said she chose Beavercreek because of the mix of city amenities, subdivisions, nature reserves and the agriculture. She said the backyard abuts a cornfield. She said they wave every morning to the sheep on their way out of their subdivision. She said agriculture, farming and taking care of the land is part of this community. She said this is the first place they've lived where backyard chickens haven't been allowed. She said they could easily have 4-6 chickens without anybody seeing or hearing them. She said they are gardeners, composite and have a bee hive. She said chickens would be the next step. She would appreciate to teach her children.

Brian O'Leary, 1263 Lomeda Lane, Beavercreek, Ohio

Mr. O'Leary said the city was already dealing with chickens now at a loss because you are not getting any permit fees. He said with a double permit you will at least compensate for the cost. He said there is an automatic two year review. He said there was no logical argument for not allowing this trial.

Cindy Fischer, 3646 Southbrook Dr., Beavercreek, Ohio

Ms. Fischer moved here in 1973 when Shakertown Road was more farms than plats. She was raised by depressionary grandparents who canned everything. She said if they didn't can it they didn't eat it. She said she still lives by that. She said if she grew a garden strictly for financial reasons she would go broke. She does it so she can be self-reliant. She said this about being able to take care of themselves. She said they need to get back to their roots in Beavercreek.

Sarah Hendrix, 2408 Rollingview Dr., Beavercreek, Ohio

Ms. Hendrix supports the chickens. She said they have gotten so much support for this initiative. She said the support seems to outweigh those against.

Steve Fischer, 3646 Southbrook Dr., Beavercreek, Ohio

Mr. Fischer said he supports the chickens.

Clerk Miscisin displayed a list of 92 names of written input received for Council. 90 of those letters were for chickens and two were against.

Council Input

Council Member Curran expressed his appreciation to all those speaking tonight. He went to Xenia and saw some coops. He said they present themselves as a rural agricultural community with 4H and the fair grounds. He said two things that concern him is safety. He said a good deal of Beavercreek is surrounded by woods and was concerned about coyotes. He said they are attracted to chickens for a meal and the wooded areas could be occupied by a lot of them and a lot more would show up if there was a concentration of chickens. His other concern was enforcement. He said we have one individual who enforces everything. He said in

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Xenia there weren't that many complaints but he was concerned with the ability to go out and enforce the regulations.

Council Member Schwartz commended Ms. O'Leary. She said she grew up on a farm in a rural community. She had chickens as part of a school project. She said they had no more than six chickens even though they were on a large farm. She said they never had any issues with smell, it was her responsibility to clean the pens and gather the eggs. She has talked with a lot of citizens, though who reached out to her and those she reached out to. She has not heard a lot of opposition but the concerns voiced were regarding roosters and coops. She said both have been addressed by the Planning Commission and by the Planning Department. She said she has seen coyotes in the neighborhoods but didn't see it as enough of a concern to outweigh the benefit it brings to the community. Her fellow Council Members have a lot of concerns and she fully appreciated that but she felt the two year review in place would allow them to address any issues.

Council Member Garcia thanked Ms. O'Leary for her presentation. She said every person she has spoken to does not want chickens. She said she spoke to a realtor who said chickens in neighborhoods are a deterrent and people do not want to move into neighborhoods with chickens in residential neighborhoods. She said we are a city with upwards of 50,000 people and the decisions we make tonight do not just effect the people in this room. She said the concerns in 2016 are the same as they are now. She said it is much easier to enforce something that is not allowed than enforce something with a lot of restrictions. She said we are a city with very limited resources. She had spoken with people who have grown up with the chickens who have had good and bad experiences. She said she had never had a problem with getting eggs with supply chains being broken down.

Council Member Duerr asked about the private covenants and restrictions. He asked if that covered all HOAs and/or PUDs within the city. Mr. Burkett said the neighborhoods that he looked at were straight rezoning and no HOAs. He said those would be disagreements between two property owners. He said if there is no HOAs to enforce it it would be up to the neighbor to enforce it against another neighbor through legal action. Council Member Duerr asked is a HOA could make changes to their HOA covenant. Mr. Burkett said yes if 75% agreed to the change. Council Member Duerr asked to be walked through the permit process. Mr. Burkett said they would create a license like a zoning permit and list the rules and regulations on the back. He said they would apply for that, there would be a fee, a second permit would be issued for an accessory structure. He said the fee amount has not been established at this time. Council Member Duerr thanked everyone for coming out. He said he tried to share his views and concerns ahead of time. He thanked everyone one for completing the survey even though it is not

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statistically significant. He said 72.6% in favor raised concern. He said 49.1% said chickens should be allowed on at least half an acre which is approximately 30,000 square feet. He said the survey was not bound to Beavercreek, people could theoretically vote multiple times by clearing the browser and it's not a randomized sampling that you would normally like. He said given all that, he has learned a lot but was concerned in two major ways. He said code enforcement is one and explained he has a number of friends who sit in various positions in Cedarville. He said Cedarville allows backyards chickens with no restrictions and it is the number one code enforcement concern. He said was concerned if they allow them and then in two years revert back and the challenges associated with that. He was also concerned with lot size and the survey suggested at least half an acre. He said 15,000 square feet was not enough for him at this time. He did not feel he had the consent of the people of Beavercreek.

Council Member Bales confirmed one code enforcement officer would be dealing with the additional duties. Mr. Burkett said yes stating that person he addresses all complaints. Council Member Bales asked Mr. Burkett on the thoughts of the fees and the inspections the code enforcement officer may have. Mr. Burkett explained the interaction of the code enforcement officer would be the inspection of the coop after it's built which would be included on the accessory structure permit fees. The license permit would be coordinated within the Planning Department. Council Member Bales confirmed the hope of the administration fees to cover the cost of the processing. Mr. Burkett said the increased staff time would be offset by the fee structure. He said it's not a money making business but an offset of the costs. Council Member Bales asked if there was any thought of the architectural features of the coop other than the material used to construct it. Mr. Burkett said there was opportunity to add that it be architecturally compatible with the house. He said the language could be added prior to the Ordinance passing on the second reading. Council Member Bales said he's had a bad experience with chickens at another municipality where he worked. His concern is the lot size and thought one third of an acre lot too small. He was concerned about the pet issue and implementing a two year review.

Vice Mayor Adams thanked everyone who spoke. He said he has a different perspective. He said he grew up on a farm in South Dakota where they raised chickens. His experiences were not what he was hearing in the room. He said you are talking about chickens as pets. He said the chicken he had as a pet was attacked by a dog and it was not a pretty sight and not something you want kids to be seeing. He has spoken with several people in Beavercreek including realtors and most do not want chickens. He said we have 50,000 people here that they need to look at. He said the lot size is definitely too small. He said you have a coop but what about the pen. Mr. Burkett said there were regulations that if they

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are in the backyard it needs to be fenced in. Vice Mayor Adams confirmed the chickens could run up to the fence line. He said that being the case, feces could be carried into the house. He said the CDC has confirmed salmonella because of that.

Mayor Stone noticed in the emails that a majority of the people live in old Beaver Creek with larger lots that are half acre. He can understand that's how it was and people had chickens back in the 50s and 60s. He said we are not the same Beaver Creek. He said lot size is his concern. He commended Ms. O'Leary for her presentation. He said zoning is not necessarily to protect the owner itself but it is to protect the neighbor of that property. He said it's the neighbor that may not want the chickens.

Council Member Curran asked what percentage of parcels were 15,000 square feet. Mr. Burkett said roughly half which equates to around 12,000 lots that are 15,000 square feet or more.

Ordinance 20-19 (First Reading)

Council Member Schwartz MOVED Ordinance 20-19 with the recommended two added conditions to the second reading. Motion FAILED for lack of a second.

Council Member Garcia MOVED to not move Ordinance 20-19 forward to the second reading and to deny the Planning Commission's recommendation, seconded by Council Member Bales. Motion PASSED by majority voice vote. (Schwartz – against)

PUBLIC HEARING – PC 20-6 ASRA Dayton-Xenia Marathon Food Mart

Clerk Miscisin read an application filed by N & G Takhar, 4365 Lisa Drive, Tipp City, OH 45371. The applicant requests an Administrative Site Plan Review and Approval (ASRA) for 1.53 acres of land to construct a 6,868 square foot gas station. The property is located at 3810 Dayton-Xenia Road further described as Book 2, Page 11, Parcel 13 are the Greene County Property Tax Atlas.

Applicant Presentation

Amarjit Takhar, 4365 Lisa Drive, Tipp City, Ohio 45371

Mr. Takhar said he owns several gas stations and would like to build one here as well. He was available for questions.

Staff Presentation

Ms. Pereira summarized the staff report dated September 10, 2020 which state the applicant is requesting Administrative Site Plan Review Approval to allow for the construction of a 6,900 square foot two-tenant building and gas station. She

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discussed the location of the property, what currently exists on the property, the site plan, the access points, the parking requirements, the proposed color rendering and materials, the landscaping plan, water detention, lighting and proposed signage. Staff and Planning Commission recommend approval of the application with 21 conditions.

Public Input

There being no public input, public input was closed.

Council Input

Council Member Bales said the building in Fairborn is very nice. He questioned the outdoor speakers and was confused about it. Ms. Pereira said there would only be a speaker for communication between the customer and the worker.

Council Member Duerr was concerned with the traffic flow and a car missing the slight curve on Dayton Xenia and hitting the gas pumps.

Council Member Garcia was not a concerned about the points of entry. She thought it would be okay.

Council Member Schwartz questioned the look of signage that was shown in the photo provided. Ms. Pereira said the photo was of a Sunoco station and this gas station would be a Marathon.

Council Member Curran questioned if there was an access to Longview. Ms. Pereira said there was no access because of the building on the corner.

Vice Mayor Adams was concerned with the traffic flow on Dayton-Xenia but hoped the widening project would take care of that.

Mayor Stone was concerned with the curb and how narrow Central Ave. is and questioned if it could be widened. He suggested widening that area if there was enough room. He suggested adding a condition to have staff review any options.

Council Member Bales asked the applicant the timeline regarding construction. Mr. Takhar reviewed the timeline.

Council Member Curran MOVED to add condition 22 to have staff review the area along Central Ave., seconded by Council Member Schwartz. Motion PASSED by majority voice vote.

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Council Member Bales MOVED, for the purpose of taking administrative action, approval of an ASRA Detailed Site Plan for Dayton-Xenia Marathon Food Mart, 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 ASRA Detailed Site Plan as per §158.083 of the Zoning Code. Supplementary conditions required of this approval shall be as follows. Council Member Bales 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 September 9, 2020”, except as modified herein.
2. The approved building elevations shall be those plans stamped “Received July 1, 2020” except where modified herein.
3. The approved building colors shall be similar to those depicted in the photographs stamped “Received July 30, 2020”.
 - i. The rear (north) elevation of the building shall incorporate lighter brick inlays to mimic windows. Final approval of the north elevation shall be given by Planning Department staff prior to the release of a zoning permit.
 - ii. The material within the dormers shall consist of either EIFS, HardiePlank, or similar materials.
4. 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. An additional row of bushes, that are the same type and caliber as the ones to the north of the detention pond, shall be added along the southern edge of detention pond and shall be shown on the final landscaping plan.
5. Prior to the issuance of a zoning permit, all structures including accessory buildings, paved areas and the like shall be completely demolished and removed from the site. A demolition permit shall be required from the City and County prior to any demo work being performed.
6. All existing curb cuts and driveway aprons on Dayton-Xenia Road and N. Central Drive shall be removed and replaced with new curb and gutter. This shall be shown on the final construction drawing, to be reviewed and approved by the Engineering Department prior to the release of the zoning permit.

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7. 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.
8. A Development 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.
9. All trash collection containers shall be screened from view and enclosed 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.
10. 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.
11. Gutters and downspouts shall be the same color as the abutting surface.
12. The façade shall not be painted or altered without the expressed approval of the Planning Department and/or Planning Commission.
13. All Signage shall comply with the Zoning Code for B-2 district with the exception of the ground sign. The final location and size of all signs shall be reviewed and approved by the Planning Department prior to the issuance of any sign permits.
 - i. Raceways shall be prohibited.
 - ii. No temporary signage shall be permitted.
 - iii. The ground sign shall be no larger than 36 square feet per side and no taller than 6.1 feet and shall be constructed with a masonry base to match the materials used to construct the building.
 - iv. Canopy signage as shown in the rendering stamped received "July 30, 2020" shall only be permitted on the east and west elevations of the canopy.
14. Prior to the issuance of a zoning permit, final cut sheet details and

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photometric plans for lighting of the site shall be reviewed and approved by the Planning Department.

- i. No pole shall be located in the paved area of the parking field.
 - ii. All lights shall be full cut off fixtures.
 - iii. Lights in the parking lot shall be reduced to no greater than 25 percent illumination level within one hour of closing.
15. 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.
 16. 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.
 17. No outdoor speakers shall be permitted with the exception of speaker communication between gas pumps and the cashier.
 18. The outdoor display of goods or merchandise shall be prohibited with the exception of an ice cooler and propane cage.
 19. A certificate of use compliance shall be required prior to the occupancy of the second tenant space. The issuance of the certificate shall be contingent on their being adequate parking for the proposed use, as outlined in the City of Beavercreek Zoning Code Off Street Parking.
 20. A replat shall be required, combining the two properties and specifying a detention easement over the detention pond area, prior to the release of a zoning permit.
 21. The piers that support the canopy must be comprised of brick that matches the building from the base to the top.
 22. Staff will review layout of Central Ave. access.

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

ORDINANCES, RESOLUTIONS AND PUDS

Ordinance 20-20 Massage Registration Requirements (First Reading)

Clerk Miscisin read an Ordinance by Beavercreek City Council amending Title XI: "Business Regulations" of the codified Ordinances of the City of Beavercreek by

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enacting a new Chapter 116 "Massage Service Providers" to regulate massage-related services in the City of Beavercreek, Ohio.

Mr. Burkett explained this was an addition for Chapter 116 of the Codified Ordinances. There have been complaints of illegal occurrences and human trafficking through massage parlors. In order to alleviate concerns there is a need for regulations. Businesses would be required to complete a registration of the business and inspect the licenses when needed on location. The goal was to balance between effectiveness and not creating undue burden on existing legitimate businesses.

Virginia Brembeck, 1666 Kenklare Drive, Beavercreek, Ohio

Ms. Brembeck said she works at the Women's Centers of Ohio and she sees the victims. She said Ohio has very strict regulations for a masseuse. She said this is also in the top three sex and traffic labor types. She said we need to be aware of the Asian massage businesses are the number one industry linking to human trafficking activities. She said we need to be educated on identifying the signs of human trafficking. She said they work very closely with the Montgomery County Sheriff's office. She has to go through training once per year. She said the two businesses on Dayton-Xenia have so many red flags it's unbelievable. She said these businesses need to be shut down and this was an excellent way to do that.

Public Input was closed.

Council Member Curran asked for clarification of the enforcement. Mr. Burkett explained they would need to get a business license and renew it once per year. He said if we get complaints this gives them the opportunity to get in the door. He said the code enforcement officer in conjunction with the police department would be the enforcers.

Council Member Schwartz said this was a very important ordinance. She commended staff for this initiative.

Council Member Duerr thanked staff for all the hard work on this legislation

Vice Mayor Adams asked if there would be follow-up with the registration. Mr. Burkett said there would be follow-up with the state regarding the licenses.

Mayor Stone asked if there would be onsite inspections. Mr. Burkett said only on a reactive basis.

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Council Member Garcia MOVED to Ordinance 20-20 to the second reading, seconded by Council Member Curran. Motion PASSED by majority voice vote.

Ordinance 20-21 Bikeway Regulation Updates (First Reading)

Clerk Miscisin read an Ordinance repealing current Sections 75.07 "Signal Device on Bicycle" and 75.08 "Lights and Reflectors; Brakes" of the City of Beavercreek Code of Ordinances, and adopting new Section 75.08 "Bicycle Signal Devices" of the City of Beavercreek Code of Ordinances.

Mr. Burkett said there was a current section in the Code of Ordinances that requires a signal with an audible bell when passing. He said the new section would state *may have an audible bell*. He said most people use their voice. He said this would also be in line with the Ohio Revised Code.

There being in public input, public input was closed.

Council Member Duerr MOVED Ordinance 20-21 to the second reading, seconded by Council Member Bales. Motion PASSED by majority voice vote.

Resolution 20-23 Selective Traffic Enforcement Program (STEP) Grant

Clerk Miscisin read a Resolution to authorize the Beavercreek Police Department's acceptance of the Ohio Traffic Safety Selective Enforcement Program (STEP) Grant.

Deputy Chief Fiorita said the Beavercreek Police Department was notified of their eligibility to receive a grant through the Ohio Traffic Safety Office to provide funding for High Visibility Enforcement High Visibility Enforcement (HVE) is a universal traffic safety approach designed to create deterrence and change unlawful traffic behaviors. HVE combines highly visible and proactive law enforcement targeting a specific traffic safety issue. STEP hours must be used to conduct HVE activities in areas to impact fatal crashes by targeting occupant restraint, speed, distracted driving, aggressive driving, failure to yield, etc. STEP Grant eligibility is for a maximum of \$22,913.52 of reimbursement to the city for officer overtime and fringe benefits. Included in this amount is transportation/fuel costs reimbursable up to 5% of the total labor costs. There is no local match required for this grant. The grant period would run from October 1, 2020 through September 30, 2021.

Council Member Garcia MOVED to approve Resolution 20-23, seconded by Council Member Bales. Motion PASSED by majority voice vote.

Resolution 20-24 Impaired Driving Enforcement Program (IDEP) Grant

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Clerk Miscisin read a Resolution to authorize the Beavercreek Police Department's Acceptance of the Ohio Traffic Safety Impaired Driving Enforcement Program (IDEP) Grant.

Deputy Chief Fiorita said they received notification of eligibility to the Impaired Driving Enforcement Program (IDEP). He said this is a universal traffic safety approach designed to create deterrence and change unlawful traffic behaviors. It combines highly visible proactive law enforcement targeting a specific traffic safety issue. IDEP hours must be used to conduct HVE activities in areas to impact impaired driving/fatal crashes. IDEP Grant eligibility is for a maximum of \$32,120.27 of reimbursement of the city for officer overtime and fringe benefits. This amount also includes reimbursement for transportation/fuel costs up to 5% of the total labor costs. There is no local match required for this grant. The grant period would run from October 1, 2020 through September 30, 2021.

Council Member Schwartz MOVED to approve Resolution 20-24, seconded by Council Member Curran. Motion PASSED by majority voice vote.

COUNCIL TIME

Council Member Duerr gave a presentation regarding the income tax and where does each dollar of your property tax go.

Council Member Schwartz said the Beavercreek Kiwanis would be hosting a virtual open house on September 24th. She said they would also be hosting their annual auction in October.

Council Member Bales thanked the Optimist Club for putting out the flags five times per year. He thanked the public for expressing their views tonight. He thanked staff for the work on FEMA reimbursement for the tornado and being proactive regarding the budget relating to COVID-19. He congratulated Steve Klick and Joe Moore who have qualified to participate in a national golf event. He asked everyone to get informed about the income tax. He said there would be another Zoom presentation at 6:30 p.m. tomorrow.

Vice Mayor Adams attended the Beavercreek Youth Development Committee meeting last week. He attended the 911 Memorial ceremony along with Mayor Stone and Council Member Schwartz. He and the mayor participated in the 5K for Greenebucs last Saturday which raised \$25,000. He said Greenebucs was named National Chapter of the Year for the fourth year in a row.

MAYOR'S REPORT

Mayor Stone reminded everyone to complete their census if you haven't already done so. Please get your flu shots. He spoke at the Soin Medical Center's new

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unit last week. He toured the new Greene County Career Center. He thanked staff who is fixing the manhole covers.

CITY MANAGER'S REPORT

Mr. Landrum reviewed the Kemp Road Reconstruction stating the Knoll Drive would be closed for approximately two weeks. Try-a-Truck Drive-Thru will be Saturday, October 3rd from 10 a.m. to noon at the Municipal Maintenance Facility.

CITIZEN COMMENTS

There being no comments. Citizen Comments was closed.

ADJOURNMENT

Council Member Curran MOVED to adjourn the meeting at 8:51 p.m., seconded by Council Member Garcia. Motion PASSED by majority voice vote.



Bob Stone, Mayor

ATTEST:



Dianne Miscisin
Clerk of Council
Cmin09142020