

BEAVERCREEK CITY COUNCIL
REGULAR MEETING September 28, 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, Planning and Development Director; Jeff Fiorita, Deputy Chief; Bill Kucera, Financial Administrative Services Director; Pete Landrum, City Manager; Josh Lounsbury, Legal Counsel; Dianne Miscisin, Clerk of Council; Jeff Moorman, City Engineer; Sandra Pereira, City Planner; Mike Thonnerieux, Public Administrative Services Director

PLEDGE

Mayor Stone led the pledge and a moment of silence.

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 Bales MOVED to approve the August 24, 2020 Regular Meeting Minutes, seconded by Council Member Duerr. Motion PASSED by majority voice vote.

PRE-SCHEDULED PRESENTERS

Melissa Howell, Greene County Health Commissioner

Ms. Howell explained that the health district has a renewal levy on the ballot this year which is a .8 mills, five year operating levy. She said this supports the programs and services that the health district provides. She reviewed all of the services and programs. She reviewed the local response to the pandemics including COVID-19, Hepatitis A and the tornado. She explained the communication and work with all the local agencies helping with the response to the pandemic and the challenges involved.

PUBLIC HEARING – PC 20-9 ASRA Resonant Sciences Addition

Clerk Miscisin read an application filed by James Connell, 3650 Somerset Drive, Beavercreek, OH 45431. The applicant requests an Administrative Site Plan

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Review and Approval (ASRA) for 2.04 acres of land to construct a 12,000 square foot office/lab addition to the existing building located at 4085 Executive Drive. The property is further described as Book 2, Page 6, Parcel 20 on the Greene County Property Tax Atlas.

Applicant Presentation

The applicant had no presentation.

Staff Presentation

Ms. Pereira summarized the staff report dated September 24, 2020 which states the applicant is requesting Administrative Site Plan Review Approval to allow for the construction of an approximately 12,000 square foot addition to the existing office and laboratory at 1085 Executive Drive. She 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, and lighting. Staff and Planning Commission recommend approval of the application with 11 conditions.

Public Input

There being no public input, public input was closed.

Council Input

Council Member Duerr asked if there was any written input. Clerk Miscisin replied no.

Motion

Council Member Curran MOVED, for the purpose of taking administrative action, approval of an ASRA Detailed Site Plan for Resonant Sciences, 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 Curran 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 August 26, 2020”, except as modified herein.
2. The approved building elevations shall be those plans stamped “Received August 5, 2020” except where modified herein.

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3. A detailed landscape plan shall be reviewed and approved by the Planning Department prior to the execution of the required Development Agreement and the release of a zoning permit.
4. Perpetual maintenance of landscaping shall be provided and any dead or diseased materials shall be removed and replaced with similar types, species and sizes as originally planted, within three months, weather permitting.
5. A 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.
6. 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.
7. Debris and trash shall be routinely collected by the owner from the parking lot and grounds of all areas of the project including the storm drainage facilities. The City reserves the right to require more frequent collection, as necessary.
8. The façade shall not be painted or altered without the expressed approval of the Planning Department and/or Planning Commission.
9. Prior to the issuance of a zoning permit, final cut sheet details and photometric plans for lighting of the site shall be reviewed and approved by the Planning Department. All light fixtures shall be full cut off fixtures.
10. All concerns of the City Engineer, Fire Department, Sanitary Engineer and the Planning Department shall be addressed and approved prior to the release of a zoning permit for the building.
11. All roof top or ground mounted mechanical units shall be completely screened from view from all directions with architectural features (roof forms or parapets) or landscaping.

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

ORDINANCES, RESOLUTIONS AND PUDS

Ordinance 20-20 Massage Registration Requirements (Second 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 enacting a new Chapter 116 "Massage Service Providers" to regulate massage-related services in the City of Beavercreek, Ohio.

Mr. Burkett said there had been some discussions with massage businesses regarding the additional work that would be required on their behalf. He said after discussing the concerns with legal counsel and the city manager it was decided to include an exemption; if all the employees in the business performing massages are licensed by the State of Ohio as massage therapists that would exempt that business from being required to get a city license. He said the majority of the businesses in the city are medical massage therapists. He said the intent of this Ordinance is to help with illicit behavior and complaints received by the police department. He reviewed the changes to the Ordinance stating the changes were not substantial and did not require to start over with this legislation.

Mayor Stone opened public comment for those wishing to speak about the changes. There were no public comments.

Council Member Bales thanked Mr. Burkett for listening and making the modifications.

Council Member Garcia thanked Mr. Burkett for listening. She said this has been complaint driven. Mr. Burkett said there are a few particular businesses that mask as a massage business and this is based on complaints received by the police department.

Vice Mayor Adams asked if someone was doing a clinical would they be covered under the license of the business. Mr. Burkett said there were exemptions for medical doctors and chiropractors who do this as a secondary part of their business.

Council Member Garcia MOVED to amend Ordinance 20-20 as submitted, seconded by Council Member Curran. Motion PASSED by majority voice vote.

Council Member Garcia MOVED to approve Ordinance 20-20 as amended, seconded by Council Member Bales. Motion PASSED by majority voice vote.

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Ordinance 20-21 Bikeway Regulation Updates (Second 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.

Council Member Duerr MOVED to approve Ordinance 20-21, seconded by Vice Mayor Adams. Motion PASSED by majority voice vote.

Ordinance 20-22 Street Rename (First Reading and Public Hearing)

Clerk Miscisin read an Ordinance to change the name of segments of Lantz Road and Wallaby Drive to McGrath Way.

Mr. Landrum reviewed the proposed renaming of the extended roadway between Lantz Road and Wallaby Drive be changed to McGrath Way in honor of Jeff McGrath. The developer has been contacted regarding this proposal and fully supports the effort and has submitted a petition.

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

Council Member Bales said he supports the Ordinance as a good way to honor Mr. McGrath for all the work he has done to benefit the city.

Council Member Duerr agreed stating Mr. McGrath was instrumental to the city.

Council Member Garcia agreed with Council Member Bales and Council Member Duerr.

Council Member Schwartz also agreed and appreciated this idea.

Council Member Curran said it was a fitting tribute.

Vice Mayor Adams said this was an excellent idea and this was a way Mr. McGrath can live on in Beavercreek.

Mayor Stone said he has watched Mr. McGrath since he started working for the city. He said this was a great idea.

Council Member Schwartz MOVED Ordinance 20-22 to the second reading, seconded by Council Member Garcia. Motion PASSED by majority voice vote.

Ordinance 20-23 Additional Appropriations (Single Reading)

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Clerk Miscisin read an Ordinance to approve supplemental appropriations and certify additional revenue and to authorize inter-fund advances for the fiscal year beginning January 1, 2020 and ending December 31, 2020 and to amend Ordinances 19-30, 20-06, 20-07 and 20-14.

Mr. Kucera reviewed the transfers and appropriations resulting from the expenditures from the tornado and the receipts from FEMA and Ohio EMA. There was also a distribution received from Greene County based on H.B. 481 as part of the federal CARES Act which needs to be certified and appropriated. The parks division also needed tournament fee revenue to be certified and appropriated to use to upgrade six dugouts at Rotary Park.

Council Member Bales MOVED to approve Ordinance 20-23, seconded by Vice Mayor Adams. Motion PASSED by a roll call vote of 7-0.

Resolution 20-26 Accepting Amounts and Rates and Certifying Them to the County

Clerk Miscisin read a Resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor

Mr. Kucera said this legislation is the third phase of the 2021 budget. He said this is the preliminary tax rates and amounts they are projecting to collect for the 2020 taxes to be collected in 2021. He explained everybody received a reappraisal of their property values for their homes which is a requirement every six years by Greene County. He said there is a process to appeal the appraisal values with Greene County Auditors. He said the city was currently working on the 2021 budget and the budget work session meetings were scheduled for November 16th and November 18th.

Council Member Curran MOVED to approve Resolution 20-26, seconded by Council Member Garcia. Motion PASSED by a roll call vote of 7-0.

Resolution 20-28 WPAFB Council of Governments

Clerk Miscisin read a Resolution authorizing the City Manager to enter into an agreement for the City of Beavercreek to become a member of the proposed Wright Patterson Regional Council of Governments.

Mr. Landrum explained this was an agreement of establishing a regional council of governments which would be known as Wright Patterson Regional Council of Governments (WPRCOG). He said the entities participating in the agreement would be Beavercreek, Dayton, Fairborn, Huber Heights, Riverside and Bath

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Township. He explained the purpose was to coordinate the powers and duties of the member boards to better serve and benefit the economic development and land use planning of the region to promote compatible development and activities that support the growth and operation of Wright Patterson Air Force Base and Springfield Air National Guard Base with the WPRCOG's political subdivisions. The WPRCOG is formed to create significant cooperation between communities surrounding WPAFB with the initial and primary purpose of seeking funding and assistance for commissioning a regional Combined Use Plan study. He said the authority for WPRCOG is only for the objectives as approved by the Board of Directors and shall not interfere with any independent authority of any member community or political subdivision.

Mayor Stone said his first impression was a body to communicate jointly to look for funding for infrastructure or other needs around the base.

Council Member Curran asked who was staffing the council. Mr. Landrum said that was not answerable at this time but did not feel there would be much staffing. He said the Dayton Development Coalition would be helping out. He said this creates a funding stream for grants that the DDC or MVPRC would not be able to apply for.

Council Member Bales thought the mission was fantastic. He asked if there was discussion of cost of membership. Mr. Landrum replied there was a shared cost but it was unknown at this time. Council Member Bales asked about timing. Mr. Burkett said it would be as soon as possible. He thought the DDC would be helping out.

Council Member Curran MOVED to approve Resolution 20-28, seconded by Council Member Garcia. Motion PASSED by a majority voice vote.

Resolution 20-29 Necessity and Intent to Appropriate Property (Joseph and Mollie Nelson) for the County Line Road Widening Project

Clerk Miscisin read a Resolution to declare the necessity and intent to acquire certain parcels or real estate and other property interests owned by Joseph Nelson and Mollie Nelson, with interest by others, for the County Line Road Widening Project, in the City of Beaver Creek, Ohio.

Mr. Moorman explained there was a joint project planned between the cities of Beaver Creek and Kettering for 2021 for a portion of County Line Road. He said the goal of the project was to increase the width of the existing three lane section to five lanes. He said it was necessary to buy additional temporary right-of-way for grading purposes. He said the Beaver Creek side has 15 temporary easements

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and three of the fifteen have not been successful in securing an agreement with the property owners. He said the first one is located at 2784 County Line Road for a temporary grading easement to regrade their driveway. He said size is about 806 square feet with an appraised value of \$300. He asked Council to approve this Resolution and the accompanying Ordinance.

Council Member Garcia asked Mr. Moorman to review the process to reach out to the owners. Mr. Moorman explained there was a process that has to be followed which is explained in the Ohio Revised Code. He said they have to have a certified real estate appraiser determine fair market value of the land. He said the appraiser will contact the property owner and negotiate a settlement. He said these three property owners have not been responsive. He said several contacts have been attempted to be made. He did explain to the property owners the process and this would be the first night this would be before council.

Council Member Curran MOVED to approve Resolution 20-29, seconded by Council Member Schwartz. Motion PASSED by a majority voice vote.

Ordinance 20-24 Necessity and Intent to Appropriate Property (Joseph and Mollie Nelson) for the County Line Road Widening Project (First Reading and Public Hearing)

Clerk Miscisin read an Ordinance to appropriate certain real property interests owned by Joseph Nelson and Mollie Nelson, for the County Line Road Widening Project, in the City of Beavercreek, Ohio.

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

Council Member Bales MOVED Ordinance 20-24 to the second reading, seconded by Council Member Duerr. Motion PASSED by a majority voice vote.

Resolution 20-30 Necessity and Intent to Appropriate Property (Eric Davis) for the County Line Road Widening Project

Clerk Miscisin read a Resolution to declare the necessity and intent to acquire certain parcels or real estate and other property interests owned by Eric J. Davis, with interest by others, for the County Line Road Widening Project, in the City of Beavercreek, Ohio.

Mr. Moorman said this property was located at 2714 County Line Road and explained this was a temporary easement for the purpose of reconstructing the driveway. The temporary easement is for 1,368 square feet with an appraised value of \$499.

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Council Member Schwartz MOVED to approve Resolution 20-30, seconded by Council Member Garcia. Motion PASSED by a majority voice vote.

Ordinance 20-25 Appropriate the Right-of-Way (Eric Davis) for the County Line Road Widening Project (First Reading and Public Hearing)

Clerk Miscisin read an Ordinance to appropriate certain real property interests owned by Eric J. Davis, for the County Line Road Widening Project, in the City of Beaver creek, Ohio.

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

Council Member Curran MOVED Ordinance 20-25 to the second reading, seconded by Council Member Garcia. Motion PASSED by a majority voice vote.

Resolution 20-31 Necessity and Intent to Appropriate Property (Robert Neff) for the County Line Road Widening Project

Clerk Miscisin read a Resolution to declare the necessity and intent to acquire certain parcels or real estate and other property interests owned by Robert H. Neff, with interest by others, for the County Line Road Widening Project, in the City of Beaver creek, Ohio

Mr. Moorman said this was the same situation to reconstruct two driveways on the property. He said the temporary easement was 1,872 square feet for an appraised value of \$962

Council Member Duerr confirmed it was two different driveways,

Council Member Curran MOVED to approve Resolution 20-31, seconded by Council Member Garcia. Motion PASSED by a majority voice vote.

Ordinance 20-26 Appropriate the Right-of-Way (Robert Neff) for the County Line Road Widening Project (First Reading and Public Hearing)

Clerk Miscisin read an Ordinance to appropriate certain real property interests owned by Robert H. Neff, for the County Line Road Widening Project, in the City of Beaver creek, Ohio

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

Council Member Bales MOVED Ordinance 20-26 to the second reading, seconded by Vice Mayor Adams. Motion PASSED by a majority voice vote.

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Resolution 20-32 Submittal of OPWC (Ohio Public Works Commission) Funding Application for Shakertown Road Widening Project

Clerk Miscisin read a Resolution authorizing the submittal of an application for funding through the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Programs and to execute contracts as required.

Mr. Moorman said the Ohio Public Works Commission (OPWC) would be accepting applications for new projects. He said the proposed project would be an improvement project along Shakertown Road between North Fairfield Road and Carthage Drive. He said the proposed project would add an eastbound left turn lane on Shakertown Road and add curb, storm sewer, pedestrian facilities and culvert replacement. He said the improvements was estimated at \$1.8 million and the grant request was for half that amount. He said there was also an existing special assessment when they did the Cedarbrook Farms development. He said with that it would bring the city's cost of the project to \$620,000 if the grant is successful.

Council Member Curran MOVED to approve Resolution 20-32, seconded by Council Member Duerr. Motion PASSED by a majority voice vote.

Resolution 20-33 Submittal of MVRPC (Miami Valley Regional Planning Commission) Funding Application

Clerk Miscisin read a Resolution authorizing the submittal of applications for Federal Fast Act Funds through the Miami Valley Regional Planning Commission.

Mr. Moorman said there was a grant opportunity through the Miami Valley Regional Planning Commission. He said the MVRPC was were limiting the number of applications to four this year. Mr. Moorman reviewed the four projects that were being submitted which included Kemp Road Widening between Meadowcourt Drive and Bluewing Drive, North Fairfield Road Reconstruction between Crossings Blvd and I-675, Dayton-Xenia Road Widening between Meadow Bridge and Darlington Drive, and Col. Glenn Highway Streetscape between Grange Hall Road and Zink Road.

Council Member Curran MOVED to approve Resolution 20-33, seconded by Council Member Bales. Motion PASSED by a majority voice vote.

Resolution 20-34 Submittal of Land and Water Conservation Funding Grant Application

Clerk Miscisin read a Resolution authorizing submission of an application for the Land and Water Conservation Fund.

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Mr. Thonnerieux said there is a grant available through the Land and Water Conservation Fund with a maximum match of \$500,000. He said the funds used to match this would come from the 712 fund which comes from fees that are acquired as part of the residential development program. He said it allows developers to either donate parkland or consider fees in lieu of land. He said the goal is to purchase 100 acres in Research Park between Patterson and Shakertown Road. He said there was a deadline for the application and should be notified in the spring if the application is accepted.

Council Member Curran MOVED to approve Resolution 20-34, seconded by Council Member Bales. Motion PASSED by a majority voice vote.

DECISION ITEMS

Motion to appoint Clerk of Council as designee for Public Records Training

Clerk Miscisin explained per the Ohio Revised Code it is a requirement that she along with the Council participate in Certified Public Records Training. She said elected officials are allowed per the ORC to appoint the clerk as their designee to attend this training on their behalf.

Council Member Garcia MOVED to appoint Dianne Miscisin, Clerk of Council, as Beavercreek City Council's designee to attend public records training per Ohio Revised Code Section 109.43, seconded by Council Member Schwartz. Motion PASSED by a majority voice vote.

Acceptance of TIRC (Tax Incentive Review Council) Recommendations

Mr. Burkett explained the TIRC had met in August regarding the Green and discussed the excess revenue and was projected to increase over the next few years. He said the TIRC recommended approval with no changes.

Council Member Bales MOVED to accept the recommendation of the Tax Incentive Review Committee and adopt its findings that the Greene TIF continue with no change, seconded by Council Member Schwartz. Motion PASSED by a majority voice vote.

Golf Advisory Board Council Representative

Council Member Bales said the golf course staff established an advisory board discussing issues related to the golf course. He said sometimes the actions of the board would not come up to the council. He felt a council member should be on the board.

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Council Member Curran MOVED to appoint Council Member Bales as the Golf Advisory Board Council Representative, seconded by Council Member Schwartz.

COUNCIL TIME

Council Member Curran said Try-a-Truck was this Saturday. People would need to stay in their cars and drive-thru and receive a goody bag.

Council Member Schwartz said the Kiwanis auction would be live on October 6th. October 8th would be live and close at 8 pm.

Council Member Garcia thanked Mr. Burkett for responding to the changes for Ordinance 20-20. She said there was a MVRPC meeting coming up.

Council Member Duerr has received many emails regarding school zones and asked everyone to slow down in those areas. He welcomed Basils to Beaver creek.

Council Member Bales said he participated in the fishing derby. He said he played golf with Vice Mayor Adams in the U.S. A. Veterans Golf event. He said they raised funds for the Dayton Warriors Amputee Softball Organization. He thanked the volunteers for putting on the event.

Vice Mayor Adams said he participated in a ribbon cutting at the Acclaim Senior Activities Center on Indian Ripple Road. He participated in the Parks Department fishing derby. He thanked the parks department for making this possible. He attended the Citizens Police Academy Class #18 last Wednesday. He addressed questions regarding the income tax. He said the Special Edition of the In Touch would be arriving in mailboxes this week.

MAYOR'S REPORT

He said the COVID-19 pandemic has shown how important the parks are.

CITY MANAGER'S REPORT

Mr. Landrum gave an update on the current road work occurring. He reminded everyone that the city does not offer leaf pickup and offered options to ridding of them. He said park shelters are available on a first come, first serve basis. You can reserve a shelter at least three days prior to the requested date by calling (937) 427-5514 or online at www.beavercreekohio.gov/177.

CITIZEN COMMENTS

There being no comments. Citizen Comments was closed.

ADJOURNMENT

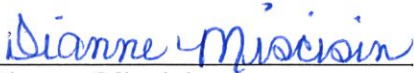
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Council Member Curran MOVED to adjourn the meeting at 7:51 p.m., seconded by Council Member Garcia. Motion PASSED by majority voice vote.



Bob Stone, Mayor

ATTEST:



Dianne Miscisin
Dianne Miscisin
Clerk of Council
Cmin09282020