



CITY COUNCIL
Regular Meeting – August 10, 2020 6:00 p.m.
Council Chambers

1368 Research Park Dr
Beaver Creek, Ohio

This meeting will be held in the Council Chamber. Social distancing will be observed and it is asked that anyone wishing to attend the meeting in person to please wear a face mask.

Public Comments:

All persons present shall be given an opportunity to be heard on proposed legislation during a public hearing. Citizen Comments is also an opportunity to be heard regarding any topic. For those not wishing to appear in person but wish to make a public comment, please feel free to send an email to the Clerk of Council at: miscisin@beavercreekohio.gov or call (937) 320-7388. Comments must be received by 4:00 p.m., Monday, August 10, 2020 to be considered for the meeting. Please be very specific on which legislation you are addressing or if your comment is to be heard during the Citizen Comment section of the meeting. Thank you.

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND PRAYER/MOMENT OF SILENCE – Council Member Duerr
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
 - A. July 25, 2020 Council/Management Strategy
 - B. July 27, 2020 Regular Meeting
- VI. PRESCHEDULED PRESENTERS
 - A. Beaver Creek City Schools Update, Paul Otten, Superintendent and Jo Ann Rigano, School Board President
 - B. Police Promotions, Recognitions and Awards, Chief Evers
- VII. ORDINANCES, RESOLUTIONS AND PUDS
 - A. Ordinance 20-15 PC 20-3 Land Use Plan Update (Second Reading)
 - B. Ordinance 20-16 PC 20-04 Zoning Code Update (Second Reading)
 - C. Ordinance 20-18 Ordinance 19-14 Supplement to the Code of Ordinance S-34 (Emergency)
 - D. Resolution 20-19 Electric Generation Supply Agreement with Miami Valley Cable Council (MVCC)
 - E. Resolution 20-20 Approval of City Manager's Appointment of Planning and Development Director
 - F. Resolution 20-21 Acceptance of DARE Grant
- VIII. LIQUOR PERMITS
 - A. Basils on Market LLC (New)
- IX. DECISION ITEMS
 - A. Appointments to Boards and Commissions
- X. COUNCIL TIME
- XI. MAYOR'S REPORT
- XII. CITY MANAGER'S REPORT
- XIII. CITIZEN COMMENTS
- XIV. ADJOURNMENT

BEAVERCREEK CITY COUNCIL
COUNCIL/MANAGEMENT STRATEGY MEETING
July 25, 2020, 8:30 a.m.

Mayor Stone called the meeting to order at 8:30 a.m. 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

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

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

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

DISCUSSION

FINANCIAL ADMINISTRATIVE SERVICES UPDATES

Mr. Kucera reviewed by 2021 budget timeline. He also reviewed the 2021 budget process, the strategic financial planning goals and objectives along with levy strategies.

Vice Mayor Garcia arrived at 8:36 a.m.

He reviewed the expenditures and fund balance history of all of the city funds. He explained the 2021 challenges would be the reduction in revenue related to COVID-19 and the economy. He reviewed the health insurance premium increase. He discussed the costs of the May 27th, 2019 tornado which equated to over \$2.2 million. The city is still waiting on final reimbursements from FEMA and the state which was estimated at \$1.1 million. He reviewed the actual and proposed costs of COVID-19 and the CARES Act eligible reimbursement. He explained the local government fund allocations, short term financial strategy and the long term financial strategy.

PLANNING AND DEVELOPMENT UPDATES

Mr. Burkett reviewed the department structure and their various duties along with the economic development programs. He reviewed the online permitting data since its

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inception June 2019. He discussed residential and commercial property valuations based on the Greene County Auditor appraised total. He gave an update on new projects within the city and the initiatives the department would be taking during the next year along with economic development program updates.

PUBLIC ADMINISTRATIVE SERVICES UPDATE

Mr. Thonnerieux reviewed the department structure and their various duties. Mr. Thonnerieux reconfirmed the levels of service for buildings and grounds, cemetery, engineering, golf, parks, recreation and culture and public service. He said many equipment purchases have been delayed because of the tornado and COVID-19. He reviewed the continuance of the street resurfacing and curb replacement program. He reviewed the scheduled capital improvement projects and potential future projects. He discussed the reopening of the golf course and the adjustments made to be in compliance with the COVID-19 mandates.

POLICE UPDATES

Chief Evers reviewed the CALEA evaluation which was virtual this year. He explained the new standards that would be forthcoming in the next assessment. He said all the new standards would need to be implemented by next July. He reviewed a few of the comments resulting from the current assessment. He said storage and the building continues to be an issue which is noted in the CALEA assessment. He reviewed the department organizational chart and the staffing challenges that is currently being experienced not only in Beavercreek but across the country.

CITY MANAGER UPDATES

Mr. Landrum reviewed various upcoming matters.

ROUNDTABLE DISCUSSION

Council reviewed the Council policies and procedures. Council went around and discussed individual concerns.

ADJOURNMENT

Council Member Curran MOVED to adjourn at 4:07 p.m., seconded by Council Member Duerr Motion PASSED by majority voice vote.

Bob Stone, Mayor

ATTEST:

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COUNCIL/MANAGEMENT STRATEGY MEETING

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Dianne Miscisin
Clerk of Council
Cmin07252020Council/Management Strategy

BEAVERCREEK CITY COUNCIL
REGULAR MEETING July 27, 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; Jeff Moorman, City Engineer; Sandra Pereira, City Planner; Mike Thonnerieux, Public Administrative Services Director

PLEDGE

Council Member Curran led the pledge and a moment of silence.

APPROVAL OF AGENDA

Council Member Duerr MOVED to remove Agenda Item X. C. from the agenda, seconded by Council Member Garcia. Motion PASSED by majority voice vote.

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

APPROVAL OF MINUTES

Council Member Curran MOVED to approve the July 13, 2020 Regular Meeting Minutes, seconded by Council Member Garcia. Motion PASSED by majority voice vote.

PRESCCHEDULED PRESENTERS

2019 Auditor Review, Kevin Vaughn, Plattenburg & Associates

Mr. Vaughn reviewed the 2019 Single Audit Report. He said the city received an unmodified report which means it was a clean audit.

PUBLIC HEARING – PC 20-3 Land Use Plan Update

Clerk Miscisin read a public hearing for the purpose of reviewing an update to the Land Use Plan.

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Staff Presentation

Mr. Burkett explained the Land Use Plan is reviewed every five years and reviewed the updates to the Land Use Plan dated July 23, 2020. He reviewed the timeline and process of updating the Land Use Plan. He reviewed some of the proposed changes including the new designation of Mixed Use, combining Open Space/Public, Open Space/Private and Public Facilities into one comprehensive classification, Open Space-Public Facilities; maximum density of Medium-Density Residential from less than 5.51 dwelling units per acres to less than 6.01 dwelling units per acre; reconfiguration of VPAs which represents reclassification of 1,150 acres of the city. He said they were not proposing any zoning changes to the Land Use Plan and this was only a guiding document.

Public Input

There being no input, the public hearing was closed.

Council Input

Council Member Bales said creating Open Space Public Use made sense but he wanted to be sure the intent of future developments on any of those open spaces compared to conservation land was clarified as those properties come into the city. Mr. Burkett replied that the only areas that had any change was Walnut Grove because it was Private-Open Space and if it ever sold classified as Open Space they would not have been able to do anything with it. He said everything else has the Open Space designation with no expectation of any development other than what it has now. Council Member Bales questioned why there was no corridor study for North Fairfield. Mr. Burkett said north of Speedway is newer commercial development and did not anticipate much change in terms of reusing buildings because they were all being used as commercial currently. He said the only other area of North Fairfield that isn't being utilized as commercial is between Suburban and Speedway and did not anticipating that being anything other than residential. Council Member Bales felt it was something that needed to be done in the future.

Council Member Duerr liked the changes to the Mixed Use and VPAs. He questioned the Indian Ripple planning area, if it would be in this style of the Greene in terms of housing with shops. Mr. Burkett said they would anticipate more commercial along the corridor and low intense office uses immediately behind to buffer the residential areas. The intent of the planning area is so they can bring anything that would development there through the ASRA process. This would enable them to add conditions and make sure of appropriate screening and buffering with the neighbors.

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Council Member Curran asked if that was a working farm on Dayton-Xenia. Mr. Burkett believed it was.

Ordinance 20-15 (First Reading)

Council Member Curran MOVED Ordinance 20-15 to the second reading, seconded by Vice Mayor Adams. Motion PASSED by majority voice vote.

PUBLIC HEARING – PC 20-4 Zoning Code Update

Clerk Miscisin read a public hearing for the purpose of reviewing an update to the Zoning Code Update.

Staff Presentation

Ms. Pereira said they went through a preliminary review of the changes to the Zoning Code in February. She said in addition to those changes there were some additional changes that have come up since February. She gave a summary of the changes which included solar farms and the requirements; parking requirements for medical, dental and veterinary clinics; use, parking and storage of vehicles and recreational vehicles; zoning permits affecting areas within a drainage easement would need to be reviewed by engineering prior to issuance and updates to Appendix B, Schedule of Permitted Uses; covered porches on accessory structures; fencing requirements. Staff recommends approval of the proposed changes.

Public Input

There being in public input, the public hearing was closed.

Council Input

Council Member Schwartz commended staff with the changes stating the addition of the permitting regarding the drainage issues was a great addition to the code.

Council Member Garcia appreciated all the changes.

Council Member Duerr said the fence updates make sense. He expressed concern regarding solar farms. He said 20 minutes from here solar farms were a great concern and suggested an additional reading. He said there was a number of concerns in other parts of Greene County where solar farms are being proposed and it might interest residents for this to be talked through in more detail.

Mayor Stone asked if onsite solar require permits. Mr. Pereira replied yes along with meeting certain requirements.

Ordinance 20-16 (First Reading)

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Council Member Schwartz MOVED Ordinance 20-16 to the second reading, seconded by Council Member Duerr. Motion PASSED by majority voice vote.

PUBLIC HEARING – 2021 Tax Budget

Clerk Miscisin read a public hearing for the purpose of reviewing the tax budget for the fiscal year beginning January 1, 2021 and ending December 31, 2021.

Staff Presentation

Mr. Kucera said this was the Resolution for the modified tax budget, required by the Ohio Revised Code for each jurisdiction to complete. He said Greene County has modified the form and we were told we did not need to go through the official tax budget process. He said the new form is called the Estimated Available Resources for the Calendar Year. He said it informs the County Auditor the beginning fund balance and revenue generated from property tax, local government fund and any other revenue sources. He stated his form had nothing regarding expenditures which was normally part of the traditional tax budget. He said this is the first step of the 2021 budget process.

Public Input

There being no public input, the public hearing was closed

Council Input

There was no input.

Resolution 20-16

Council Member Curran MOVED to approve Resolution 20-16, seconded by Council Member Schwartz. Motion PASSED by a roll call vote of 7-0.

ORDINANCES, RESOLUTIONS AND PUDS

Ordinance 20-17 Street Vacation – Rock Drive (Emergency)

Clerk Miscisin read an Ordinance to vacate a portion of public right-of-way of Rock Drive upon application of the owners of property abutting the same right-of-way and declaring an emergency.

Mr. Moorman said construction was underway for the new medical center development located along the west side for North Fairfield Road and south of Rock Drive. He said in keeping with the approved site plan for the project the developer recently submitted a request for the vacation of the old right-of-way for Rock Drive. Mr. Moorman reviewed the location of the vacation request explaining it used to provide access to the homes that used to be there and no longer served any transportation purposes for the city. He said the developer would be dedicating new right-of-way to the city which would serve to extend Rock Drive to

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the future Lantz Road extension. He said the developer has requested this legislation be passed as an emergency because they were anxious to get the plat filed and right-of-way dedicated as so not to slow the work.

There being no input, the public input was closed.

Council Member Bales MOVED to approve Ordinance 20-17 as an emergency, seconded by Vice Mayor Adams. Motion PASSED by a roll call vote of 7-0.

Resolution 20-17 1% Income Tax Submission to the Electors

Clerk Miscisin read a Resolution to proceed with placing a one percent (1%) municipal income tax on the November 3, 2020 ballot and to certify the same to the Greene County Board of Elections.

Mr. Kucera said with the passage of the Ordinance 20-09, this was the next step to place the income tax on the ballot. He said this needed to be passed at this meeting to meet the filing deadline with the Board of Elections.

Council Member Bales thanked everyone for the work of putting this together. He couldn't think of a more democratic thing to do then provide the ability for the citizens to decide for themselves how our local government is funded. He said this legislation is determining that it can be put on the ballot and let the citizens choose. He said Beavercreek desperately needs an alternative revenue source to fund our infrastructure needs and this legislation gives our constituents that ability to cast their vote to fundamentally change how our city is funded. He said it's challenging but believed it appropriate. He said we are faced with tough times with COVID and with social issues that are facing us. He said it is uncertain on how we're going to be able to get to the ballot this November but the timing is critical that we put this on the ballot as soon as possible. He said everyone needs to take time to educate your friends and neighbors but ultimately request that they make the decision for themselves in November. He was in favor of the Resolution

Council Member Garcia said she has been the most outspoken about putting this on the November ballot. She said in rereading the emails that she has received from many residents and rethinking all of the conversations with people who have stood before them both for and against, she also couldn't think of a more democratic thing to do than to put it on the November ballot. She still had her concerns stemming from the current situation and the current world we are facing. She said in what she has read and conversations she has had everyone is so split that it was not fair for her to say whether or not this should be voted on. She said it was clear that the people need to vote on it. She said she would be voting in favor to put it on the ballot.

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Council Member Schwartz echoed Council Member Garcia's comments. She said she was on the fence as to whether or not a November placement was proper given COVID and the current affairs. She said they have been very transparent and have conversed with each other. She said presidential election brings out double the voters and thought very seriously in her consideration as to whether or not she was going to vote to put this on the November ballot. She said in an effort of transparency she thought it in the best interest of the community to put it on and expected an excellent voter turnout for this election.

Council Member Curran thanked the committee and Mr. Kucera for their hard work. He said this is a time for education and there would be ample opportunity for people to educate themselves and get more information. It was his hope that people would support the income tax for the City of Beavercreek.

Vice Mayor Adams said he has done a lot of talking throughout the Beavercreek community. He said most of the people he's talked with are in favor of this. It has to be put in front of the people as it was not council's decision to make. He said it was the voters that would make the decision for them and that was the way it should be. He said education would be a big part of this as people need to understand the need is there. He said there are some things out there that the city can't touch with any other tax base that we get. He did not want to see Beavercreek fall apart. Beavercreek is aging, it has to be repaired and money is needed to repair it. He thanked everyone who has expressed their opinion.

Mayor Stone said it has been an interesting journey, they all have had their opinions and have not been afraid to express them to each other. He thanked the past mayors who have worked on this for the past couple of years along with all the other citizens. He said it's a straight forward plan and tonight was about whether or not they put it on the November ballot. He agreed with everything that has been said as this is the time. He thought the more people that have their voices heard, the better off they would understand what the public wants, whether it's a yes or it's a no. He said it will be the largest turnout at a presidential election and that was why he was in favor of putting in on in November.

Council Member Curran MOVED to approve Resolution 20-17, seconded by Council Member Schwartz. Motion PASSED by roll call vote of 7-0.

DECISION ITEMS

Acceptance of Second Quarter Financial Summary

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Council Member Schwartz MOVED to the Second Quarter Financial Summary, seconded by Council Member Garcia. Motion PASSED by majority voice vote.

COUNCIL TIME

Council Member Schwartz echoed the moment of silence for Bob Mills who passed away earlier. She said Kiwanis was having a fundraiser at Milano's this Wednesday. She thanked staff for everything that they do.

Council Member Garcia said staff is always prepared and they had a great work session on Saturday.

Council Member Duerr echoed prior comments. He thanked the city workers for painting the lines on the city streets.

Council Member Bales said Bob Mills was an important part of Beavercreek and Beavercreek would not be what it is today without him. He congratulated to the finance staff for the clean audit. The thanked staff for the retreat last Saturday. The discussion was dynamic and there is a good vision for the future. The Greene County Department of Development is providing small business grants utilizing CARES funding. He asked everyone to shop locate and support Beavercreek

Vice Mayor Adams said staff does an outstanding job for our city. They help us make the decisions we need to make. He asked everyone to support our local businesses. The next Police Academy would be starting September 23rd.

Council Member Curran said the senior citizens drive-thru spaghetti dinner would be this Thursday.

MAYOR'S REPORT

Mayor Stone said some of our businesses are open but they are not operating normal full hours and are struggling. He said Bob Mills was a man of his word and did business on a handshake. He will be missed.

CITY MANAGER'S REPORT

Mr. Landrum reviewed the resurfacing program. The city launched the redesign of the website. A drive-thru spaghetti dinner was being held on Thursday, July 30th from 5-7 p.m. at the senior center. He reviewed the activities, programs and special events that are occurring for our senior citizens.

CITIZEN COMMENTS

There being no comments, Citizen Comments was closed.

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ADJOURNMENT

Council Member Curran MOVED to adjourn the meeting at 7:07 p.m., seconded by Vice Mayor Adams. Motion PASSED by majority voice vote.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin
Clerk of Council
Cmin07272020

ORDINANCE NO. 20-15

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER CURRAN ON THE 27TH DAY OF JULY, 2020.

AN ORDINANCE AMENDING THE LAND USE PLAN IN ACCORDANCE WITH CHAPTER 158.171 (D) (1) OF THE CITY OF BEAVERCREEK ZONING CODE.

WHEREAS, the City of Beavercreek Planning Commission has determined it necessary to make certain additions, deletions and changes to the City of Beavercreek Land Use Plan; and

WHEREAS, following a public hearing held on January 9, 2020, Planning Commission voted to recommend the additions, deletions and changes to the City of Beavercreek Land Use Plan to Beavercreek City Council; and

WHEREAS, the City Council has voted to adopt the recommendation of the Planning Commission with amendments, this being a decision that requires approval by four members of Council.

NOW, THEREFORE THE CITY OF BEAVERCREEK HEREBY ORDAINS:

SECTION I

The current language, numbers and words of various sections of the City of Beavercreek Land Use Plan shall be, and hereby is, amended with the additions, deletions and changes as described in Attachment A, dated July 23, 2020.

SECTION II

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to, Section 121.22 of the Ohio Revised Code.

SECTION III

This Ordinance shall take effect from and after the earliest period allowed by law.

PASSED this 10th day of August, 2020.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

SUMMARY

This Ordinance adopts the proposed changes to the City of Beavercreek Land Use Plan as described in Attachment A dated July 23, 2020.

This is not an emergency ordinance and will become effective 30 days after passage.

PC 20-3 LUP Update Ordinance

ORDINANCE NO. 20-16
CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER SCHWARTZ ON THE 27TH OF JULY, 2020.

AN ORDINANCE AMENDING THE ZONING CODE IN ACCORDANCE WITH CHAPTER 158.175 OF THE CITY OF BEAVERCREEK ZONING CODE.

WHEREAS, the City of Beavercreek Planning Commission has determined it necessary to make certain additions, deletions and changes to the City of Beavercreek Zoning Code; and

WHEREAS, following a public hearing held on July 13, 2020, Planning Commission voted to recommend the additions, deletions and changes to the City of Beavercreek Zoning Code to Beavercreek City Council; and

WHEREAS, the City Council has voted to adopt the recommendation of the Planning Commission with amendments, this being a decision that requires approval by four members of Council.

NOW, THEREFORE THE CITY OF BEAVERCREEK HEREBY ORDAINS:

SECTION I

The current language, numbers and words of various sections of the City of Beavercreek Zoning Code shall be, and hereby is, amended with the additions, deletions and changes as described in Attachment A, dated May 26, 2020.

SECTION II

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to, Section 121.22 of the Ohio Revised Code.

SECTION III

This Ordinance shall take effect from and after the earliest period allowed by law.

PASSED this 10th day of August, 2020.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

SUMMARY

This Ordinance adopts the proposed changes to the City of Beavercreek Zoning Code as described in Attachment A dated May 26, 2020.

This is not an emergency ordinance and will become effective 30 days after passage.

PCA

**CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT**

Meeting Date: August 10, 2020	Reference Topic: Supplement to the Code of Ordinance S-34 (Emergency)
Agenda Reference No. VII. C	Ordinance 20-18

ACTION REQUESTED		
<input checked="" type="checkbox"/> Adopt Ordinance	<input type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Adopt Motion

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Development
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input checked="" type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

Periodically all ordinances are codified along with the Ohio Revised Code Updates. Although the ordinances were previously adopted, this allow the updated Ohio Revised Code sections and any new Zoning Code updates to be adopted by City Council

This process is completed to be in compliance with section 731.21 of the Ohio Revised Code. Supplement 34 is the latest update. This is done so as an emergency to allow the City to use the current version of the Code of Ordinances immediately.

STAFF RECOMMENDATION:

Staff recommends this Ordinance be adopted as an emergency.

CITY OF BEAVERCREEK, OHIO

ORDINANCE NO. 20-18

SPONSORED BY COUNCIL MEMBER _____ ON THE 10TH DAY OF AUGUST, 2020.

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE CITY OF BEAVERCREEK AND DECLARING AN EMERGENCY

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the S-34 supplement to the Code of Ordinances of the City of Beavercreek, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of the City of Beavercreek; and,

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the Ohio Code; and,

WHEREAS, it is the intent of the City of Beavercreek to accept these updated sections in accordance with the changes of the law of the State of Ohio; and,

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beavercreek, Ohio that:

SECTION I.

The S-34 supplement to the Code of Ordinances of the City of Beavercreek as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

SECTION II.

Such supplement shall be deemed published as of the day of its adoption and approval by the Beavercreek City Council and the Clerk of the City of Beavercreek is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.

SECTION III.

This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality and, to allow the speedy implementation of changes required by the Ohio Revised Code and shall take effect at the earliest date provided by law.

SECTION IV.

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

ADOPTED by the Council of the City of Beavercreek, Ohio this 10th day of August, 2020.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

SUMMARY

This ordinance enacts and adopts a supplement to the Code of Ordinances for the City of Beavercreek, Ohio. This is an emergency ordinance and becomes effective immediately upon passage.

**CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT**

PEC

Meeting Date: 8/10/2020	Reference Topic: Electric Generation Supply Agreement with Miami Valley Cable Council (MVCC)
Agenda Reference No.: VII. D.	Resolution 20-19

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input checked="" type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input checked="" type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other

BACKGROUND AND STAFF SUMMARY:

The contract for the MVCC (Miami Valley Communication Council) Municipal Facilities Electric Aggregation Program expires in May, 2021. Earlier this year, prior to the COVID-19 pandemic, MVCC asked Schneider Electric to review whether it would be advantageous to extend the existing contract and take advantage of lower pricing being proposed by others. At the time, Schneider Electric performed a rate analysis and recommended we maintain the existing rate structure through the expiration of the current contract. However, with the financial devastation to the energy markets related to the pandemic, Schneider Electric is now recommending we extend the current contract through May, 2024 in order to take advantage of a historically low rate and the associated savings outlined in the attached analysis and spreadsheet. This rate will only apply if the entire group agrees to the extension. If any members are not interested in extending the contract, then we lose the savings realized through bulk buying. In other words, we either do this together, or not at all.

During their monthly meeting, the MVCC City Managers reviewed the Schneider Electric analysis and unanimously recommended we move forward with the lower rate and extend the contract to 2024. As electricity generation is a commodity, prices are subject to immediate change so we need to move on this opportunity as quickly as possible.

The City of Beavercreek will save about \$6,600/year or \$25,900 over the course of the agreement because of a lower rate only available because of the aggregation program. In all, there are 26 communities who benefit from this program and the combined savings will total nearly \$1.02 million.

STAFF RECOMMENDATION:

The City Manager is recommending approval of this resolution by City Council.

CITY OF BEAVERCREEK

RESOLUTION NO. 20-19

**SPONSORED BY COUNCIL MEMBER _____ ON THE 10TH DAY OF
AUGUST, 2020**

**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.**

WHEREAS, the City is one of over 20 municipalities currently participating in the Miami Valley Communications Council (“MVCC”) electric generation supply agreement with DPL Energy Resources, Inc. (“DPLER”) for the provision of electric generation and transmission supply services for municipal facilities (collectively referred to as the “Participating Municipalities”); and

WHEREAS, City Council previously authorized the City Manager, pursuant to Ordinance 16-05, to seek competitive pricing for a new electric generation and transmission supply service agreement (“Agreement”) through MVCC as procuring agent; and

WHEREAS, MVCC recommends Amendment No. 5 of the Agreement covering the period of July 2020 to May 2024 be adopted to secure the best possible electric generation and transmission supply rates; and

WHEREAS, the City is authorized as a Charter municipality to exercise all powers of local self-government.

NOW, THEREFORE, THE CITY OF BEAVERCREEK HEREBY RESOLVES:

SECTION I:

The City Manager is hereby authorized to execute Amendment No. 5 to the Agreement previously authorized by City Council for the period covering July 2020 to May 2024.

SECTION II:

It is hereby found and determined that all formal actions of this City Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION III:

This Resolution shall become effective immediately upon its passage.

Adopted by City Council of the City of Beavercreek, Ohio, this 10th day of August, 2020.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

SUMMARY

THIS RESOLUTION AUTHORIZES THE CITY MANAGER TO ENTER INTO AMENDMENT NO. 5 TO THE ORIGINAL AGREEMENT FOR MUNICIPAL FACILITIES FOR ELECTRIC GENERATION SUPPLY WITH A COMPETITIVE RETAIL ELECTRIC SERVICE PROVIDER.

CITY OF BEAVERCREEK, OHIO

RESOLUTION NO. 20-20

SPONSORED BY COUNCIL MEMBER _____ ON THE 10TH DAY OF AUGUST, 2020.

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

WHEREAS, Randy Burkett has a long history of service to the City of Beavercreek in that he has served in the roles of Associate Planner, City Planner, and Interim Planning and Development Director in the City's Department of Planning and Development since 2006; and

WHEREAS, pursuant to Section 7.02 of the Beavercreek City Charter, the City Manager recommends that City Council approve the City Manager's appointment of Randy Burkett to the position of Planning and Development Director for the City of Beavercreek, effective immediately upon the passage of this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERCREEK, STATE OF OHIO:

SECTION I. City Council hereby approves the City Manager's appointment of Randy Burkett to the position of Planning and Development Director for the City of Beavercreek, and Council appreciates Mr. Burkett's years of valuable service to the City.

SECTION II: This Resolution shall take effect and be in full force from and after the date of its passage.

PASSED this 10th day of August, 2020.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

PREPARED BY: CITY ATTORNEY

**CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT**

PEL

Meeting Date: 08/10/2020	Reference Topic: DARE Grant 2020/2021 School Year
Agenda Reference No.: VII. F.	Resolution 20-21

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input checked="" type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input checked="" type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

This resolution allows the Police Chief to accept state grant monies to be applied to the DARE Officers salary during the school year. The grant is through the Ohio Attorney General's Office and The Beavercreek Police Department will receive \$24617.10 for the 2020/2021 school year. The DARE Officer teaches approximately 600 students per year.

STAFF RECOMMENDATION:

Staff recommends passage of this resolution.

CITY OF BEAVERCREEK

RESOLUTION NO. 20-21

SPONSORED BY COUNCIL MEMBER _____ ON THE 10TH DAY OF
AUGUST, 2020

**AUTHORIZING THE POLICE DEPARTMENT TO ACCEPT THE
OHIO ATTORNEY GENERAL'S DRUG USE PREVENTION
(D.A.R.E.) GRANTS PROGRAM FUNDING.**

WHEREAS, the State of Ohio, through the Office of the Attorney General, administers financial assistance specifically for the matching of funds to defray the cost of D.A.R.E. officer's salary under the Drug Use Prevention Grant Program.

WHEREAS, Beavercreek City Council desires financial assistance under the Drug Use Prevention Grant Program.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
BEAVERCREEK, OHIO:

Section I.

That the Beavercreek City Council authorizes the Chief of Police to accept the D.A.R.E. Law Enforcement Grants Program financial assistance in the amount of \$24,617.10 for the 2020-2021 school year.

Section II.

That the Chief of Police is hereby authorized and directed to accept the Office of the Attorney General Grant funding and to provide all information and documentation required to be eligible for possible funding assistance.

Section III.

That the Beavercreek City Council does agree to obligate the remaining funds required to satisfactorily administer the Drug Use Prevention Grant Program for school year 2020/2021 through the Office of the Attorney General.

Section IV.

It is hereby found and determined that all formal action of this Council concerning and relating to the adoption of this Resolution was adopted in an open meeting of this Council and all deliberation of this Council resulting in such formal action was in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio

Revised Code.

Section V.

This Resolution shall become effective immediately upon its passage.

ADOPTED by the Council of the City of Beavercreek, Ohio on this
10th Day of August 2020.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

SUMMARY

**SIGN AND AUTHORIZE THE ACCEPTANCE OF A D.A.R.E. GRANT WITH THE
OHIO ATTORNEY GENERAL'S OFFICE FOR LAW ENFORCEMENT GRANTS
PROGRAM FINANCIAL ASSISTANCE.**

Ptc

CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT

Meeting Date: August 10, 2020 Agenda Reference No: VIII. A.	Reference Topic: Request for New Liquor Permit for Basils on Market LLC
	Motion to Accept Without Comment

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input checked="" type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input checked="" type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

Ohio Division of Liquor Control sent police notification reference a new D5J for Basils on Market LLC., 2729 Fairfield Commons, Beaver creek, 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 RECOMMENDATION:

Staff is recommending this application request move forward without comment.

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

0497980		NEW	BASILS ON MARKET LLC	
PERMIT NUMBER		TYPE	2729 FAIRFIELD COMMONS	
ISSUE DATE		BEAVERCREEK OH 45431		
01 16 2020				
FILING DATE				
D5J				
PERMIT CLASSES				
29	005	A	C66967	
TAX DISTRICT			RECEIPT NO.	

FROM 07/14/2020

PERMIT NUMBER		TYPE		
ISSUE DATE				
FILING DATE				
PERMIT CLASSES				
TAX DISTRICT			RECEIPT NO.	



MAILED 07/14/2020

RESPONSES MUST BE POSTMARKED NO LATER THAN.

08/14/2020

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES

A NEW 0497980

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

**CLERK OF BEAVERCREEK CITY COUNCIL
1368 RESEARCH PARK DR
BEAVERCREEK OHIO 45432**

Permit Class	Permit Fee	Description
D5F	\$2,344	ORC 4303.181 Marina restaurant only.

Museums

Permit Class	Permit Fee	Description
D5G	\$1,875	ORC 4303.181 National sports museum only.
D5H	\$1,875	ORC 4303.181 Non-Profit organization exempt from federal income taxation, that owns a fine arts museum, community arts center or community theater.

Community Entertainment District/Revitalization

Permit Class	Permit Fee	Description
D5J	\$2,344	ORC 4303.181 Community Entertainment District.
D5L	\$2,344	ORC 4303.181 Revitalization District.

Sunday Sales

Permit Class	Permit Fee	Description
D6	\$400-c \$500-d	ORC 4303.182 Sale of intoxicating liquor on Sunday between the hours 10:00am or 11:00am and midnight.

Other

Permit Class	Permit Fee	Description
D5K	\$1,875	ORC 4303.181 Certain non-profit organizations that own and operate a botanical garden.
D5M	\$2,344	ORC 4303.181 Restaurant affiliated with center for the preservation of wild animals.
D5N	\$20,000.00	ORC 4303.181(N) Casino Operator or Casino Management Company.
D5O	\$2344.00	ORC 4303.181(O) Restaurant located in a casino.
E	\$500	ORC 4303.19 Railroad car or airline to sell beer or any intoxicating liquor at retail in glass or from container for consumption in such car or aircraft.
G	\$100	ORC 4303.21 Retail drug store (alcohol for medicinal, industrial, mechanical, chemical, or scientific purposes).
H	\$300	ORC 4303.22 Carrier by rail or for hire motor carrier who also holds a license issued by the public utilities commission to transport beer, intoxicating liquor, and alcohol, or any of these, in this state or delivery or use in this state.
I	\$200	ORC 4303.23 Wholesale druggist (purchase - import alcohol for sale at wholesale and retail).

Temporary Permits

Permit Class	Permit Fee	Description
F	\$40	ORC 4303.20 Valid for beer only until 1:00am. (Temporary - 5 days).

interoffice
MEMORANDUM

To: Beavercreek City Council
From: Dianne Miscisin, Clerk of Council
Subject: Appointments – August 6, 2020

We have the following Board and Commission vacancies:

- Planning Commission – 1 vacancy for term through 02/28/2022
- Board of Zoning Appeals – 1 vacancy for term through 02/28/2021
- Environmental Advisory Board – 4 vacancies for two terms through 02/28/2022 and two through 02/28/21
- Youth Development Committee - 1 minimum (there is no maximum number of members for this committee)

Attached is a spreadsheet of the current applicants. Please note the Keith Ayers is already a member for the Community Reinvestment Area Housing Council (CRA).

2020 Board Commission Applicants

	Last Name	First Name	Incumbent	Board of Zoning Appeals	Planning Commission	Community Reinvestment Area Housing Council	Tax Incentive Review Council	Parks, Recreation & Culture	Bikeway Advisory	Tree Advisory Board	Youth Development Committee	Environmental Advisory	Personnel	Impact Fee Appeals	Greene County Board of Health	Charter Review Commission	Greene Metro Housing Authority
VACANCIES				1	1						8	4					
1	Ayers	Keith		1	2												
2	Badiru	Adedeji		3							2	1					
3	Fague	Terence			1												
4	Petty	Terresa		1	3						2						
5	Rodgers	Wendy		2	1						3						
6	Rust	Collin			1												
7	Tincu	Jason										1					
8	Turlington	Gina						2	3		1						
9																	
10																	
11																	
12																	
14																	
15																	
16																	

* Incumbent



CITY COUNCIL
Work Session – August 17, 2020 5:00 p.m.
Council Chambers

1368 Research Park Dr
Beaver Creek, Ohio

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. DISCUSSION ITEMS
 - A. Bikeway and Non-Motorized Transportation Advisory Committee (BANTAC) Updates
 - B. Calendar and Timelines
 - C. CARES Act Update
- V. COUNCIL COMMITTEE/EVENT UPDATES
- VI. ADJOURNMENT

DRAFT



CITY COUNCIL
Regular Meeting – August 24, 2020 6:00 p.m.
Council Chambers

1368 Research Park Dr
Beavercreek, Ohio

This meeting will be held in the Council Chamber. Social distancing will be observed and it is asked that anyone wishing to attend the meeting in person to please wear a face mask.

Public Comments:

All persons present shall be given an opportunity to be heard on proposed legislation during a public hearing. Citizen Comments is also an opportunity to be heard regarding any topic. For those not wishing to appear in person but wish to make a public comment, please feel free to send an email to the Clerk of Council at: miscisin@beavercreekohio.gov or call (937) 320-7388.

Comments must be received by 4:00 p.m., Monday, August 24, 2020 to be considered for the meeting. Please be very specific on which legislation you are addressing or if your comment is to be heard during the Citizen Comment section of the meeting. Thank you.

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND PRAYER/MOMENT OF SILENCE – Vice Mayor Garcia
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
- VI. ORDINANCES, RESOLUTIONS AND PUDS
- VII. COUNCIL TIME
- VIII. MAYOR'S REPORT
- IX. CITY MANAGER'S REPORT
- X. CITIZEN COMMENTS
- XI. ADJOURNMENT

PLANNING DEPARTMENT STATUS REPORT

August 4, 2020

CITY COUNCIL

August 10, 2020

- PC 20-3, Land Use Plan Update, 2nd reading
- PC 20-4, Zoning Code Update, 2nd reading

Tabled / Delayed / Pending

PLANNING COMMISSION

August 5, 2020

- PC 20-6 ASRA, Dayton-Xenia Marathon Food Mart, public hearing
- PC 20-7 ASRA, Swift Coffee Drive-Thru, **Withdrawn by applicant.**
- PC 20-8, Zoning Code- Chickens Text Amendment, public hearing
- S-20-5, Violette Plat
- S-20-6, Alpha School House Plat
- S-20-7, WesBanco Subdivision

Tabled / Delayed / Pending

-

Commercial Permits Submitted and Under Review

- Trinity
- WesBanco

BOARD OF ZONING APPEALS

August 12, 2020

- No cases

Currently Tabled or Delayed

- V-19-6, GNS Investment Properties, 3878 Indian Ripple Road
-
-