

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 Beaver creek 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 23<sup>rd</sup>.

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 30<sup>th</sup> 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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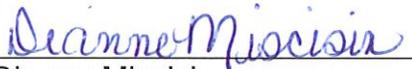
**ADJOURNMENT**

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