



CITY COUNCIL
Regular Meeting – July 13, 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, July 13, 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.

CITIZEN OF MERIT AWARDS

◆ 2020 Graduating Beaver Creek Youth Council Members

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND PRAYER/MOMENT OF SILENCE – Council Member Bales
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
 - A. June 8, 2020 Regular Meeting
 - B. June 22, 2020 Regular Meeting
- VI. ORDINANCES, RESOLUTIONS AND PUDS
 - A. Ordinance 20-12 Establishing New Revenue Fund and Eliminate One Special Revenue Fund in Conformity with Generally Accepted Accounting Principles (Second Reading)
 - B. Ordinance 20-14 Additional Appropriations (Single Reading)
- VII. COUNCIL TIME
- VIII. MAYOR'S REPORT
- IX. CITY MANAGER'S REPORT
- X. CITIZEN COMMENTS
- XI. ADJOURNMENT

BEAVERCREEK CITY COUNCIL
REGULAR MEETING June 8, 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, Interim Planning and Development Director; Dennis Evers, Chief of Police; Bill Kucera, Financial Administrative Services Director; Pete Landrum, City Manager; Steve McHugh, Legal Counsel; Dianne Miscisin, Clerk of Council

PLEDGE

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

APPROVAL OF AGENDA

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

PUBLIC HEARING PUD 13-5 Amendment 5/20 Germany Lane Development

Clerk Miscisin read an application filed by John Kopilchack, 3500 Pentagon Blvd., Ste. 500, Beavercreek, OH 45431. The application requests approval of an amendment to add multi-family and student housing as permitted uses to PUD 13-5. The properties are located on the southwest corner of Germany Lane and Wynkoop Court further described as Book 1, Page 9, Parcels 83, 85, 86, 87, 88, 89, 90 and 91 on the Greene County Property Tax Atlas.

Applicant Presentation

Jerrold Barnett, Synergy and Mills Development

Mr. Barnett said the property under contract but had not yet closed on it. He said student housing or multi-family made sense for this property. He said prior to closing on the property they were trying to add those two uses to the existing uses that were a combination of B-3 and O-1 uses.

Staff Presentation

Mr. Burkett summarized the staff report dated June 4, 2020, which stated the applicant is requesting an amendment to PUD 13-5 to add additional permitted uses into the 4.15 acre PUD. He discussed where the property is located, what currently exists on the property, the zoning classifications of the surrounding properties, the Land Use Plan designation and the intent of those areas. Staff recommended approval of the amendment to the PUD.

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Public Input

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

Council Input

Council Member Bales said this was an acceptable use for the property. He asked if there had been any discussions with Wright State University regarding the need for more student housing. Mr. Barnett said they had not had any conversations. He said in the past ten years there had been lots of conversations with the university as well as student housing developers about the area. He said there is very little student housing on campus. He said this student housing would have more of an apartment look rather than a dormitory. Council Member Bales asked if there were height restrictions. Mr. Burkett said for a PUD the restriction is 65 feet but this location may have additional requirements because of the WPAFB flight line. He said it would be based on the parking because of the size of the property.

Ordinance 20-10 (First Reading)

Council Member Curran MOVED Ordinance 20-10 to the second reading, seconded by Council Member Garcia. Motion PASSED by majority voice vote.

PUBLIC HEARING Z-20-1 Franks Rezoning, R1A to A-1

Clerk Miscisin read an application filed by Richard Franks, 1820 Maple Lane, Beavercreek, OH 45432. The application requests the rezoning of 6.283 acres of land from R-1A One-Family Residential District to A-1 Agricultural District. The property is located on the east side of Maple Lane approximately 200 feet north of the intersection of Maple Lane and Hohl Road. The property is further described as Book 5, Page 9, Parcel 33 on the Greene County Property Tax Atlas.

Applicant Presentation

Richard Franks, 1820 Maple Lane, Beavercreek OH 45432

Mr. Franks reviewed the lot, surrounding neighbors and the adjacent Greene County Park. He said the park was converted into a disk golf park and holes 17 and 18 are located against his property. He said he now has a lot of people walking onto his property which is a security and safety issue. He ultimately would like to put a fence up around his property.

Staff Presentation

Mr. Burkett summarized the staff report dated June 4, 2020 which stated the applicant is requesting approval for the rezoning of 6.283 acres from R-1A One Family Residential to A-1 Agricultural for the purpose of construction a 6-foot chain-link fence which is not permitted in R-1A districts, along the perimeter of the

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rear and side yards.. He discussed where the property is located, what currently exists on the property, the zoning classifications of the surrounding properties, the Land Use Plan designation and the permitted allowed uses.

Public Input

Daniel M. Reeves, 1848 Maple Lane

Mr. Reeves emailed his support of the zoning change.

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

Council Input

Council Member Garcia supported the rezoning.

Council Member Duerr liked the idea. He asked if there had been any input from the west side of Maple Lane. Mr. Franks said they have no issues.

Council Member Bales asked if the intent was to put fence all the way up to Maple Lane. Mr. Franks said yes with a decorative iron fence going across the front.

Vice Mayor Adams called some of the neighbors saying they had no problem with the rezoning.

Ordinance 20-11 (First Reading)

Council Member Duerr MOVED Ordinance 20-11 to the second reading, seconded by Council Member Garcia. Motion PASSED by majority voice vote.

ORDINANCES, RESOLUTIONS AND PUDS

Ordinance 20-09 Income Tax Code (Second Reading)

Clerk Miscisin read an Ordinance by Beaver creek City Council enacting a new Chapter 39 "Income Tax" to the codified Ordinances of the City of Beaver creek.

Mr. Kucera reviewed some of the key points. He said the purpose of the income tax was to provide funds for general municipal operations, maintenance, equipment, municipal services and facilities, infrastructure and capital improvements. The tax rate would be 1%. He reviewed the city charter which states that council has no power to adopt and levy a city income tax without a majority vote of the electors voting on such levy. He said this means that no matter what, this would require a vote of the electors. He said the goal of the income tax is to diversify the city's revenue stream and reduce the city's dependence on property tax levies. He said the income would take effect January 1, 2022 which is the same time a voted 3.4 mill street levy would expire if the income tax is adopted. He said the Ohio Revised Code requires the city to follow certain

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requirements. He said a resident would receive 100% credit for wages earned and taxed in another municipality. He also clarified that the city would be able to reduce any other voted levy. He said the city's website has information regarding the income tax. He stated this Ordinance does not put the income tax on the ballot. This Ordinance only adopts the tax code.

Vice Mayor Adams asked if you can increase a levy after it was reduced. Mr. Kucera replied that you could increase the levy up to the original voted amount.

Council Member Curran asked for the court decision of the Ohio Municipal League challenging the state's ability for collection of the tax. Mr. Kucera said it was ongoing.

Public Input

Harold Lewis 1423 Town Hall Road, Beavercreek, Ohio

Mr. Lewis said Council could change an Ordinance at any time and if it's not in the City Charter it's meaningless. He said put it in the City Charter. He asked for a cap of what the income tax could be used for. He said the state has a cap of 10.5% for public indebtedness and said for Beavercreek that was \$130 million of debt which is based on the total appraised value of the community. He wanted a dollar amount in the charter.

Tony Corvo 432 Ashton Court, Beavercreek, Ohio

Mr. Corvo said the pro tax crowd stated seniors can't afford the property tax and the income tax is not taxable on retirement income. He said this is a myth. He said the myth is not that they don't have an income it's that they don't have wealth. He said in truth the over 65 crowd, 38% of them are millionaires. A great many of them are worth half a million dollars. He said the under 35 crowd is often having negative wealth because they are starting a family, trying to buy a house and paying off student loans. He said in a free country everybody must have a tax burden.

John Stankosky, 1497 Fudge Drive, Beavercreek, Ohio

Mr. Stankosky said he would have to pay more for the income tax than his property taxes. He said it's not fair to those who have a good income and hopes it is voted down.

Dr. Mark Walsh, 434 Ramsgate Drive, Beavercreek, Ohio

Dr. Walsh said his supports the income tax and his motivation was anger. He is angry because of the tens of millions of dollars earned in Beavercreek by people outside of Beavercreek who come to work here. He said we give it back to the communities of Kettering, Centerville and Dayton. He said we have many funding

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needs in the city and the schools. If the schools go, so does the property values. He said we need the money here.

Brian Jarvis 1825 Timberwood Drive, Beavercreek, Ohio

Mr. Jarvis said Beavercreek residents are facing the prospects of having city property taxes increased to unsustainable levels. He said they currently have the fourth highest city property tax rate of any city in Montgomery and Greene Counties. He said the Beavercreek's high property valuations results in the high city property taxes that many complain about. He said we are second only to Oakwood. Over the past ten years the city property tax mileage has increased by over 60%. He said based on what was proposed at the January work session for future property taxes it will increase another 60% over the next four years. He said 242 out of the 246 cities in Ohio understand the idea of spreading the cost of public services among the broadest number of people helps keep taxes down for residents. He said 15 of the 17 cities in Montgomery and Greene Counties understand this same thing. He said currently the city levies 14.93 taxable mills of property taxes for city services. He said that was about \$475 per \$100,000 valuation. He said if things go as proposed without an income tax there will be an increase of \$318 per \$100,000 valuation and then about 1 mill every year after that. He said with a 1% income tax the 14.93 mills would be reduced by just over three mills which is a reduction of \$101 per \$100,000 valuation. He said this works for Beavercreek because for the first time in the city's history local services would be fairly shared by non-residents who work here. The current method of funding for Beavercreek is not sustainable because it does not require everyone who uses the services to pay for them.

Mary Brailey 1399 Town Hall Road, Beavercreek, Ohio

Ms. Brailey said she's one of the senior citizens that is about to be taxed out of her house. She said she pays 75% of her fixed income to property taxes. She said nine of the thirteen houses she can see from her property are senior citizens and as far as she knows none of them are millionaires. She said many of the houses in her neighborhood have been sold and are now rentals.

John Mitchel, 3955 Maple Grove Lane, Beavercreek, Ohio

Mr. Mitchel said in a Facebook post separate from Beavercreek Fairer Funding Committee reminded us that Beavercreek despite remaining one of the few Ohio municipalities without an income tax, has one of the lowest unemployment rates of any Ohio city at 3.1% at the end of 2019. He said the rest of Ohio has 4.2% unemployment, about 20% above the national average of 3.5%. He said they can't say how much a 0% income tax had to do with the low unemployment rate but was sure that lower taxes are a draw for businesses and well as highly trained productive employees. He said Mr. Jarvis and his committee also said the tax

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would reduce some resident's property taxes and reduce reliance on property taxes but failed to address if residents total tax burden would decrease if at all. He said the BFFC claims that it would take 100 years to complete infrastructure upgrades and capital projects without the income tax. He said if nothing else that doesn't speak well for city government planning since we became a city in 1980. He said the Beavercreek Golf Course had the final annual payment is \$845,000. He said he asked the cost of the golf course and the answer was since 2004 the revenues were approximately \$43.4 million and expenditures approximately \$44.3 million. He said this did not include the debt service of over \$13 million. He asked how much revenue would be gained from the proposed income tax and the response \$14.4 million in the first collection in 2022 and would increase incrementally until full collection 2024. He said despite being retired and not subject to the income tax, he strongly opposes the proposed 1% income tax.

Vanessa Stankosky, 1497 Fudge Drive, Beavercreek, Ohio

Ms. Stankosky said retirement was right around the corner for her. She said the municipality is a small percent of her property taxes. She said this would not help the schools and it would increase their taxes quite a bit.

Chad Whilding, 2428 Brown Bark Drive, Beavercreek, Ohio

Mr. Whilding appreciated the three readings. He was concerned that there was not a definition of complete. He appreciated the comments of Dr. Walsh regarding school financing because the school's city income tax is a fair and equitable way to raise money for a public purpose. The community has always been strong in trying to maintain the powers over the public purse; they have always supported levies with fixed purpose, and always supported the charter to protect that right. He said in 2006 the property tax was a 100% dollar for dollar property tax rollback which reduces the burden to Beavercreek but had no spending restrictions so it didn't equal the levy power and was voted down. In 2012, to defray the costs of the 1 mill street levy, the 3.7 police levy and 2.6 street levy which are now all continuous but at that time if the income tax met the allocations needed and the 20% capital fund improvement fund was funded the property taxes would start to be abated on equal amounts. He said it's still a better situation in a tax burden reduction for everybody. He said anything left was going to be left to the budgetary process and it was always hoped that would never be a windfall as seen in the past. He said if we agree on the \$14 million minus the \$3.4 million on the current street levy that's \$10 million per year. He said this ordinance puts no restrictions on it and nothing in the charter to protect their rights. He said this was an absolute windfall with no guaranteed reduction of the current property taxes. He said what about construction of a new city hall. He said that is likely a bond issue but no guarantee for funding to pay that bond issue has been discussed. He asked if that would be an income tax or would that be a traditional levy to pay that bond. He

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said with these points there is a clear considerable amount of work left before this income tax ordinance should be passed in Beavercreek.

Carol Graff, 1442 Devoe Drive, Beavercreek, Ohio

Ms. Graff said she is a 54 year resident of Beavercreek and former council member and mayor. She said at one time she worked in Fairborn and paid her 1% to Fairborn for the mile road and the police protection they provided and was very happy to do so. She thought the people who live in other places and work here should provide that same reciprocity for the City of Beavercreek. She said our city services need additional revenue. As she walks, she sees grass growing in the street. She knows that will ruin the roads that she walks on. She said if you are not earning, you will not pay an earnings tax but if you are not earning, you will pay property taxes one way or another. Most non-residents who are working here already pay a municipal income tax and it will not cost them a penny. For those of us who are senior citizens and have hopefully earned the right to breath won't have to pay an income tax. The diversity of income with the probability of increasing city revenue would provide the services that we need, pay for the services that we need increased and the cost of increasing services. She did not know what distrust other people have but she trusts her city council. She trusts them to provide the services that we pay for and provide them well. She implored all council members to support the income tax issue that would benefit most of the residents of Beavercreek and provide for the long term health of our city.

Joseph Marx, 3647 Eastern Drive, Beavercreek, Ohio

Mr. Marx said he was among the younger adult working members of this community and currently lives with his parents and works in Dayton. He said when he paid his taxes last year all of his taxed income went to the City of Dayton. He said he wants to be able to contribute some of his income to support this community that he benefits from. He believed they should have an income tax.

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

Council Member Curran MOVED to remove section 39.081D from the Ordinance, seconded by Council Member Schwartz. Motion PASSED by majority voice vote.

Council Member Garcia thanked everyone for coming out to speak. She said this upcoming vote is only on the text of the Ordinance itself and not to put it on the upcoming ballot. She said there would be public input on the third reading and encouraged people to come out again. There will be a whole other discussion regarding putting this on the ballot.

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Council Member Bales echoed Council Member Garcia's comments. He appreciated all those who made comments and hearing the different perspectives of the issue. He encouraged those who were watching at home to do research and let them know of any questions. There was a lot of thought and consideration put into the ordinance language for the tax code. The language is as easy to understand as possible. He said this is just the Initial step. He said he was not going to be in town for the next meeting. He said the income tax is a fair way to fund local government operations and would remove the tax burden from property owners who are tasked with funding all of our operational needs and believe that non-residents who are working in town should pay their fair share. He said like all appropriations and budgets from the past, public participation and input is critical. He said Ms. Graff talked about trust versus mistrust and he will work hard to gain your trust and go through those appropriation budgets and listen to you so the money gained from the perspective income tax is spent wisely. He said we have big city issues and infrastructure problems that will be a burden on our property tax owners if an alternative revenue source is not found. He said our property taxes are high and are forcing some people to make choices as to continue to live in Beavercreek or not. He urged everyone to read the tax document, understand the facts and ask questions. He said nobody likes paying taxes but for the prosperity of our city he would gladly pay his fair share and was happy to make this investment in their future.

Council Member Schwartz asked Mr. McHugh to explain the difference between charter language and ordinance. Mr. McHugh explained that the charter is voted on by the public. All changes and everything in the charter has at one time or another been approved by a majority of the electors. He said an ordinance is not something voted on by the public but by a majority of council. Council Member Schwartz said this is just voting on the language which is pretty much declared by the state. She said they have not decided if this would go on the November ballot.

Council Member Duerr said he voted against the last tax levy but in running for council and sitting here today we do have some challenges today as a city. He is concerned if it does go on the ballot, at least people have a decision. He has a philosophy of keeping taxes low and has concerns about changing taxes. His other concern is on the national economy, unemployment and timing. He looked forward to more comments. He said that this is just to set the language.

Vice Mayor Adams said he was here when Beavercreek became a city and when that was done they had no idea they would end up being the city that they are. He's talked with a lot of people that are on both sides of the issue. He said they have to find a way to address the needs which are going to become greater and greater going forward. He said there is nothing worse than backing out of your

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driveway and dropping into a hole because we can't fix the street. He encouraged people to talk with council as they would like your input.

Mayor Stone said the hardest thing to get across to the general public is that a levy is a fixed dollar amount. If the income tax does not tax effect requests for increases to the levies will be coming. If we only have revenue from property tax we will be coming back for more property tax increases. He said to please keep that in mind as it could be as much as five to six more mills. The people have to vote on an income tax.

This Ordinance will move automatically to the Third Reading

Ordinance 20-08 Street Rename – Old Shakertown Road (Second Reading)
Clerk Miscisin read an Ordinance to change the name of a section of “Shakertown Road” to “Old Shakertown Road”.

Mr. Thonnerieux said there was a small section that remained after the construction. This name change effects three property owners and have not heard anything back from them.

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

Council Member Curran MOVED to approve Ordinance 20-08, seconded by Vice Mayor Adams. Motion PASSED by majority voice vote.

COUNCIL TIME

Council Member Curran appreciated the comments from the public and council regarding the income tax.

Council Member Schwartz attended the Beaver creek Wetland Association annual meeting. She said there is a plan in place to connect all the wetlands with 20 miles of trail. She said Brian Jarvis was recognized by Greater Dayton Association of Black Journalists for a lot of the work that he has done within the community. She said our community and our country is in a really trying time right now. She said she was here to listen to anyone even though she doesn't have all the answers. She was here to listen, learn and educate the community to the best of her ability and advocate any changes that need to be implemented

Council Member Garcia attended the MVRPC meeting late last week. She said one of the topics discussed was updates to the public participation policy. She said

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the Ohio Association of the Chief of Police Community Relations and Engagement Committee named the Beavercreek Police Department the Agency of the Month for June 2020.

Council Member Duerr welcomed Burlap and Birch to Beavercreek as the newest small business located at the Fairfield Commons Mall. He asked small businesses to reach out to council to talk and ask questions. He thanked neighboring communities who helped out during the tornado.

Council Member Bales said he and his family have been out visiting a number of parks in the city. He said the city was currently working on plans to reopen playgrounds. He encouraged everyone to get out and enjoy the sunshine and summer.

Vice Mayor Adams echoed Council Member Garcia's comments. He said the police department had just finished the CALEA inspection. He said he and Officer Brown visited a preschool who had a lot of good questions. He said with things opening up to please go out and visit small businesses.

MAYOR'S REPORT

Mayor Stone agreed with all the comments made. We have challenges in the country and communication is the key word. He said the public needs to communicate with them.

CITY MANAGER'S REPORT

Mr. Landrum reviewed the progress of the Shakertown Road Extension Project. He gave a status of opening up the parks. On June 9th, senior transportation will be available for medical appointments only and some recreational classes will be starting up in the next couple of weeks. He reminded everyone of the grass and weed ordinance and permit applications are available online.

CITIZEN COMMENTS

Leah Trebil 3030 Old Heritage Way, Beavercreek, Ohio

Ms. Trebil said everyone is aware of the mainly peaceful protest that took place last Monday, June 1st, in remembrance of George Floyd who was killed in police custody and our own John Crawford who was killed by a Beavercreek police officer, August 5, 2014. She said it was mainly a peaceful protest because even prior to the protest, a Beavercreek school teacher posted on Facebook, "Let's place bets on what time the violence and looting starts." She attended the protest so she knows there was a window of a jewelry store that was broken. There was a white racist shouting hateful things. There was tear gas that was deployed without warning. There was an officer who at first seemed to take a knee when

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actually he tied his shoe. Once, when sincerity did take place and some officers did kneel and the others removed their riot gear the energy and atmosphere of the event completely changed. She said it is evident that we, as Beavercreek, have some work to do. When she looked at the Beavercreek Police annual report and saws that approximately 30% use of force was used on African-Americans and a 24% arrest report for African-Americans but yet we only have a 2% African-American population, she has some questions. When she Googled black and African-American owned businesses in Beavercreek, she found one whose annual revenue was approximately \$56 million which means black owned businesses are profitable to our city. She said another business has a partnership with the high school so she knows that black businesses directly have a positive impact on our youth. She said the third one was a specialty bar-b-que sauce sold at Kroger which she thought we could do better. When she sees a Beavercreek teacher who obviously doesn't know her history about protests in our country from the Boston Tea Party to suffragette movement to civil rights but says she assumes they are violent for selfish and stupid behaviors, she has questions. She proposed a town hall meeting to discuss increased diversity amongst our police force and policies that protect minority citizens and display transparency.

Joseph Marx, 3647 Eastern Drive, Beavercreek, Ohio

Mr. Marx acknowledged that this has been a very rough year and a half. He has attended numerous demonstrations, protests and marches. He said he has been passing around flyers to offer law enforcement reform proposals to get a conversation going. He said eventually people will get bored, go home and nothing will get done or we can make proposals. He believes that when you speak you are speaking with the voice of Beavercreek to show that the City of Beavercreek is backing behind meaningful police reform. He said our police department is good but even a good police department should always strive to be even better through meaningful reforms and oversights. He felt it important for Beavercreek because of the symbolic gesture of John Crawford that the Black Lives Matter movement picked up steam from an action that took place in Beavercreek. If we do nothing, this will keep happening along with million dollar settlements.

Chad Whilding, 2428 Brown Bark Drive, Beavercreek, Ohio

Mr. Whilding said he has experienced professionalism of the police department on a regular basis because of a neighbor. He was not surprised by the compassion, professionalism and respect shown at that rally. He's not surprised but extremely proud of the police support. He said to follow up on what he didn't get to finish earlier he finds it interesting when they talk about the levies and will they expire. He said it's not only that Council allows it, we allow it. He said we chose those millage and that duration to expire when it was finished. He said we know they've

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become continuous because of growing concerns over infrastructure but nothing prevents council from presenting that \$3.4 mills back. He said I know you're not crazy enough to do that but there is nothing stated the council will not ask for the 3.4 mills again. He said we are talking about language and there is no actions in that language. He said it's a discussion of the structure of the tax with only one side of the discussion in place – the collection. He said not the spending, not the power of the citizens that it has demonstrated that they want control over the spending. He said put that amount in the charter and the credit in the charter.

Citizen Comments was closed.

ADJOURNMENT

Council Member Curran MOVED to adjourn the meeting at 7:59 p.m., seconded by Vice Mayor Adams. Motion PASSED by majority voice vote.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin
Clerk of Council
Cmin06082020

BEAVERCREEK CITY COUNCIL
REGULAR MEETING June 22, 2020 6:00 p.m.

PROCLAMATIONS

- ◆ Parks and Recreation Month, July
- ◆ Dayton Intern Appreciation Week, July 6-10

CALL TO ORDER

Mayor Stone called the meeting to order followed by roll call

PRESENT: Council Member Curran, Council Member Duerr Council Member Garcia, Council Member Schwartz, Vice Mayor Adams, Mayor Stone

ABSENT: Council Member Bales

ALSO IN ATTENDANCE: Randy Burkett, Interim Planning and Development Director; Dennis Evers, Chief of Police; 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

Vice Mayor Adams led the pledge and a moment of silence.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Council Member Curran MOVED to approve the May 26, 2020 Regular Meeting Minutes, seconded by Council Member Duerr. Motion PASSED by majority voice vote.

PUBLIC HEARING PUD 88-21 MOD 5/20 Major, Raising Cane's Chicken Finger's Clerk Miscisin read an application filed by Kayla Holbrook, 1062 Ridge Street, Columbus, OH 43215. The application requests a major modification to the specific site plan to allow for the construction of a 3,152 square foot restaurant located at 2755 Fairfield Commons Boulevard. The property is further described as Book 4, Page 3, Parcel 64 on the Greene County Property Tax Atlas.

Applicant Presentation

Kayla Holbrook, 1062 Ridge Street, Columbus, OH 43215

Ms. Holbrook was excited to put their second location in Beaver creek.

Staff Presentation

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Ms. Pereira summarized the staff report dated June 18, 2020 stating the applicant is requesting a major modification to PUD 88-21 in order to construct an approximately 3,100 square foot restaurant to be located within the Mall at Fairfield Commons Development. She reviewed location, zoning, proposed site plan, access points, parking, outdoor patio, access points, sidewalk, stacking, cross walk, signage and conditions. Staff and Planning Commission recommended approval of this application with 14 conditions.

Public Input

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

Council Input

Council Member Duerr asked if there had been any input from Panera. Ms. Pereira said they were notified but did not hear from them. Council Member Duerr was concerned with the traffic and the crosswalk. He suggested adding a flashing pedestrian sign.

Council Member Garcia thanked Raising Canes for adding a second location and expressed concern with the crosswalk.

Council Member Schwartz asked Ms. Holbrook if there was any data on how many cars were going through the drive-thru at any given time. Ms. Holbrook said they average 30-60 cars per hour but greatly depends on the time of day and location. She said they strive for one car per minute but they are probably doing one car per two minutes. Council Member Schwartz asked if there was any concern with amount of area to get people through the drive-thru given the fact that Panera is also using the same entrance. Ms. Holbrook said no because of adding the additional lane like Chick-fil-la is now using. Council Member Schwartz asked staff to address the same question. Ms. Pereira said this was their concern as well but felt having the double drive-thru during peak hours made sense. She said Panera does not have a drive-thru and didn't feel it be an issue.

Council Member Curran thanked them for coming into the community. The site on Indian Ripple has been fantastic.

Vice Mayor Adams was concerned with the crosswalk and agreed to having some sort of flashing light. He was also concerned with traffic flow at busy times and turning left into the restaurant. Ms. Pereira said they would continue to work with the applicants but do not anticipate any problems. She said they are very good to work with.

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Mayor Stone said we do have locations where the drive thru backs up into the parking lot and even into the street. He hoped this design would prevent that from happening.

Motion

Council Member Curran MOVED, for the purpose of taking administrative action, approval of a PUD Major Modification for Raising Cane's, PUD 88-21 MOD 5/20, 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 a PUD Major Modification as per §158.070 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 site plans for this development shall be the plans stamped "Received May 26, 2020", except as modified herein.
2. The approved architectural elevations for this development shall be the plans stamped "May 26, 2020", except as modified herein.
3. A PUD agreement must be signed by the owner and a bond or letter of credit for the required site landscaping must be submitted prior to the release 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.
4. A detailed landscape plan shall be reviewed and approved by the Planning Department prior to the execution of the required PUD Agreement and the release of any zoning permit for this project.
5. 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
6. 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.
 - a. Poles shall match the height of the adjacent development to the east and must have full cut off fixtures.
 - b. No light poles may be located within the parking lot.

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7. All trash collection containers shall be screened from view and enclosed within a permanent dumpster enclosure or stored completely within the building.
 - a. Any dumpster enclosure shall be constructed of materials architecturally compatible with the building and have a closable, lockable gate.
 - b. The final design of the dumpster enclosure shall be reviewed and approved by the Planning and Zoning Department prior to the issuance of any zoning permits.
8. The building exteriors shall not be painted or altered in any way that varies from the approved elevations unless otherwise approved by the Planning Department or, if required, by the City Council and/or Planning Commission.
9. Any proposed gutters and downspouts shall be internally mounted.
10. All building mechanical equipment is to be screened from all directions with architectural features (roof forms or parapet walls). Metal screening will not be accepted. Pad mounted equipment must be screened with landscaping and/or masonry walls and shall not be visible to the public.
11. Employee parking shall be designated in the off-site parking area across the ring road.
12. 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.
13. All concerns of the City Engineer, Fire Department, Sanitary Engineer, Planning Department and the Beavercreek Police Department shall be addressed prior to the issuance of any zoning permits for the project.
14. Signage shall be permitted on the north, south, and west elevations and shall be limited to 50 square feet, per elevation.
 - a. The mural shall be additionally permitted on the north elevation, shall be limited to 140 square feet, and must be removed if Raising Cane's vacates the building.
 - b. The ground sign shall be limited to 30 square feet per sign face and 6.2 feet in height. An additional preview board and menu board shall also be permitted.
 - c. No temporary signs of any kind are permitted in this PUD.

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

PUBLIC HEARING PC 20-5, ASRA DETAILED SITE PLAN, WesBanco

Clerk Miscisin read an application Chris Humphrey, 4495 Millwater Drive, Powell, OH 43065. The applicant requests an Administrative Site Plan Review and Approval (ASRA) for 1.298 acres of land to construct a 1-story retail banking office building. The property is located at 1243 North Fairfield Road further described as Book 5, Page 5, Parcel 99 on the Greene County Property Tax Atlas.

Applicant Presentation

Chris Humphrey, 4495 Millwater Drive, Powell, OH 43065, Mr. Humphrey said WesBanco was interested in improving their location in Beavercreek and wished to development the lot immediately north of Frisch's. He believed they have accommodated staff's requests. He said there was a land owner the lives behind the property with concerns regarding dumpsters being dumped at two in the morning at Frisch's. He read a communication from William Beckett, Senior Vice President Director of Facilities and Procurement for WesBanco saying "Frisch's uses Rumpke Waste and have pickup on Monday afternoon. We will follow suit. Please inform the municipality."

Staff Presentation

Ms. Pereira summarized the staff report dated June 18, 2020 which stated the applicant is requesting Administrative Site Plan Review Approval to allow for the construction of an approximately 2,600 square foot bank proposed to be located at 1243 North Fairfield Road.. 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, lighting and proposed signage. Staff and Planning Commission recommend approval of the application with 19 conditions.

Public Input

Clerk Miscisin said there was one email received from Angel Ashbrook, 1270 Enochs Drive, Beavercreek, Ohio who expressed her concern regarding dumpsters being dumped at two in the morning.

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

Council Input

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Council Member Curran was concerned with speeding traffic and felt the curb should be cut in so traffic can slow down. Ms. Pereira said they would look into it to see if it may be addressed.

Council Member Schwartz questioned the reasoning of the right in only and not just using the traffic light. Ms. Pereira explained it was originally supposed to be a right in, right out only. She said the applicant worked with the engineering department to just make it a right in only because the city engineer felt it was much too close to the intersection to be a right out. She assumed the applicant would like as many access points as possible but the preferred point was at the light. Council Member Schwartz asked Mr. Humphrey to address this. Mr. Humphrey said the history of developing this lot for WesBanco is when they were looking at purchasing it the City did say yes, they would be allowed to have direct access onto the road. He said it's very desirable because of convenience means a lot to a lot of people. He said inconvenience can be the loss of customers and the loss of business. Council Member Schwartz said the building is beautiful.

Council Member Duerr suggested a flashing light to maintain a slower speed from the area.

Vice Mayor Adams confirmed the ATM was in the back of the building and questioned the lighting.

Motion

Council Member Duerr MOVED, for the purpose of taking administrative action, approval of an ASRA Detailed Site Plan for WesBanco, 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 Duerr 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 May 27, 2020", except as modified herein.
2. The approved building elevations shall be those plans stamped "Received May 27, 2020" except where modified herein.
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.

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4. Prior to the issuance of a zoning permit, all structures including houses, accessory buildings, paved areas and the like shall be completely demolished and removed from the site. A demolition permit shall be required from the City and County prior to any demo work being performed.
5. All existing curb cuts and driveway aprons in front of North Fairfield Road shall be removed and replaced with new curb and gutter. This shall be shown on the final construction drawing, to be reviewed and approved by the Engineering Department prior to the release of a final subdivision.
6. 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.
7. 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.
8. 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.
9. 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.
10. Gutters, downspouts and roof access ladders shall not be visible on any elevation of the building. They shall be internally mounted. Thru-wall scuppers are permitted.
11. The façade shall not be painted or altered without the expressed approval of the Planning Department and/or Planning Commission.
12. All Signage shall comply with the Zoning Code for B-2 district with the exception of allowing one additional sign on the south elevation. The final

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- location and size shall be reviewed and approved by the Planning Department prior to the issuance of any sign permits.
- Raceways shall be prohibited.
 - No temporary signage shall be permitted.
 - The ground sign shall be constructed with a masonry base and wrap, to match the materials used to construct the building.
13. 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.
 - Maximum mounting height for any parking fixture shall be 16 feet, and no pole shall be located in the paved area of the parking field.
 - Lights in the parking lot shall be reduced to no greater than 25 percent illumination level within one hour of closing with the exception of the lighting around the 24-hour ATM.
 14. 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.
 15. A final subdivision must be approved by Planning Commission and recorded prior to the release of a zoning permit for the building. The final subdivision shall include a 25-foot wide public access and construction easement from the entry point to the northern property line.
 16. All roof top or ground mounted mechanical units shall be completely screened from view from all directions with architectural features (roof forms or parapets) or landscaping.
 17. No outdoor speakers shall be permitted with the exception of teller speakers within the drive-thru.
 18. The construction hours for any exterior work shall be limited to 7am-7pm Monday through Saturday.
 19. Orange fencing delineating the 25-foot tree preservation area and grading limit shall be installed prior to the removal of any vegetation or structures on the property.

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

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ORDINANCES, RESOLUTIONS AND PUDS

Ordinance 20-09 Income Tax Code (Third Reading)

Clerk Miscisin read an Ordinance by Beaver Creek City Council enacting a new Chapter 39 "Income Tax" to the codified Ordinances of the City of Beaver Creek.

Public Input

Tony Corvo, 432 Ashton Court, Beaver Creek, Ohio

Mr. Corvo said he mentioned at the first reading how levies allow citizens to control spending and how an income tax is a power transfer from citizens to office holders with no real checks and balances. He said at the last reading a speaker mentioned trust and said she trusted you to make the right decisions concerning spending if you get the income tax passed. Mr. Corvo was sure that council was all nice people but his problem was he didn't trust them while sitting in the council seats. He said he doesn't trust the state legislature or the federal legislature. He said that was a good thing because it was built into the constitution for checks and balances. He questioned the people after this council. He said the person who said she trusted you supported the golf course and that turned into a fiasco. He said without checks and balances with an income tax for future council it could turn into many, many golf courses. He said the mistake with the golf course was not an honest financial, it was a basic misunderstanding of what the fundamental role of government is. He said the fundamental role of government is not to build golf courses. He said in an earlier video a member of council mentioned that if voters had problems with any project they could come to council and you would listen and react to their proposal. He said once upon a time in a land far, far away we know that is not a good checks and balances. We all know we have had some real lulu on council over the years. He has lived here since 1994 and has fought all the income taxes, fought the Greene and there were a lot of mistakes made. He said there were people who had outside agendas and that's why anyone sitting in an office that has control over him and his money. He said without voted checks and balances over the years the income tax will bring many golf courses. He also believed that in time this city would ask for an increase in income tax and may even ask for the levies to come back.

Mark Walsh, 435 Ramsgate Drive, Beaver Creek, Ohio

Dr. Walsh supports the income tax and felt it financial suicide for the city to give this money to surrounding communities when we have pressing needs in Beaver Creek. He said at the last meeting one person mentioned concern about enacting it if people were unemployed. He said from the citizens' perspective, he would rather have an income tax because if he were unemployed he doesn't pay it. He said if all his tax to the city is in property tax and he's unemployed he still has to pay the tax. He said you are elected officials of the people and said thank

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you. He trusts you. He encouraged anybody who does not trust the council to run for council. He said a lot of times it's a thankless job. He felt as representatives of the people you have a moral and fiduciary responsibility to them to put this on the ballot. He said you are not enacting the income tax, you are giving the citizens a choice of doing that. He said since a majority of Beaver creek citizens would see a drop in their taxes and improvement in services, it is council's responsibility to put it on the ballot in November.

Al Cummings, 2669 Greenside Drive, Beaver creek, Ohio

Mr. Cummings said he has watched the income tax decisions over the last two times and now this time. He thought they were much better positioned today to provide citizens a lot of data and metrics that they haven't had in the past. He said it appears that many questions that have been asked in the past have been addressed pretty well this time. He said he likes the idea of non-residents of paying their bills. He also likes the predictability of sustainable income to enable a funding plan to be enacted for the community that sees out years ahead. He said it seems the system they have had could be compared to a family where when the bread winner's job runs out every two or three years when the contract changes. It's a very discomfoting event for that person not to be able sustain the household. He said such a system does not really lead itself to paying the mortgage or fixing the roof where as a predictable income would give us an opportunity to plan. He said that has been our shortfall because we don't know whether a levy will pass or what the size of the levy would be. He said we need a reliable system of funding that allows predictability and an income stream.

John Mitchel, 3955 Maple Grove Lane, Beaver creek

Mr. Mitchel said one of the speakers said Mr. Corvo should run for office. He said Mr. Corvo did by stepping forward for an open seat just like he did. He said he was not surprised when neither of them were selected.

Brian Jarvis, 8255 Timberwood Drive, Beaver creek

Mr. Jarvis said the committee had done a lot of research on when a city asks for the next increase. He said they reviewed all 15 cities in Montgomery and Greene counties that have an income tax. He said the found that it was an average of 10.8 years before they ask for another income tax. He said it's a low of three years and a high of 29 years. He said eventually if business growth does not continue and we depend on the city growing business so there are more employees and tax collection we know in our region what that is. Nobody has said there wouldn't be an income tax request again ever. He said they do know that without a significant increase in revenue the city won't be able to maintain quality services. He said you wouldn't be able to address \$200 million backlog of infrastructure and deferred maintenance that needs to be done. He said you have to make a decision that

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sets us on the path to fulfill those needs. He said currently Beaver creek property owners pay the fourth highest city effective millage of any city of Montgomery and Greene counties. When people are saying their property taxes are high, that is a truism. He said this is compounded by people not wanting to pay higher taxes for city services. He said property taxes are not an efficient and sustainable way to fund services of a city of Beaver creek's size. He said the levies option plan proposed in January that simply increases property taxes year after year is not a solution. He said the solution is an untapped resource of non-residents who work here. He said they take \$10 million plus out of us every year and bring it back to their home communities to support their police department, street department and parks department while keeping their property taxes low. He said that has to stop.

Carol Graff, 1442 Devoe Drive, Beaver creek

Ms. Graff said those of us who are retired could use some property tax relief, The residents who are working in other municipalities are already paying earnings tax, could use property tax relief. The active military who live here could use property tax relief. She said there is a \$200 million infrastructure backlog. She said it is apparent to those who have been a part of the City of Beaver creek for forty years that property taxes alone do not sustain the city and cannot take care of all the needs that we have. She asked that council consider this alternative, adopt the Ordinance and think of the City of Beaver creek as a whole for eternity.

There being no more input, public input was closed.

Council Member Curran MOVED to approve Ordinance 20-09, seconded by Vice Mayor Adams. Motion PASSED by majority voice vote.

Ordinance 20-10 PUD 13-5 Amendment 5/20 Germany Lane Development (Second Reading)

Clerk Miscisin read an Ordinance amending Ordinance 13-20 (PUD 13-5, Sirjit Mattu) to include additional uses as described below.

Council Member Curran MOVED to approve Ordinance 20-10, seconded by Council Member Schwartz. Motion PASSED by majority voice vote.

Ordinance 20-11 Z-20-1 Franks Rezoning, R-1A to A-1 (Second Reading)

Clerk Miscisin read an Ordinance amending the Zoning Map, by rezoning approximately 6.283 acres of land from R-1A One Family Residential to A-1 Agricultural. The property is further described as Book 5, Page 9, Parcel 33 on the Greene County Tax Atlas.

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Council Member Duerr MOVED to approve Ordinance 20-11, seconded by Council Member Garcia. Motion PASSED by majority voice vote.

Ordinance 20-12 Establishing New Revenue Fund and Eliminate One Special Revenue Fund in Conformity with Generally Accepted Accounting Principles (First Reading and Public Hearing)

Clerk Miscisin read an Ordinance to establish one new special revenue fund and to eliminate one special revenue fund in conformity with generally accepted accounting principles.

Mr. Kucera said HB 481 authorizes and appropriates distribution of \$350 million of federal CARES Act funding for Ohio communities for COVID-19 eligible expenses. The funds will be sent to the County who will in turn divide the funds and distribute the funds according to the local government fund distribution process. He said for the city to get those funds they will need to update the accounting system with a special fund to accept the funds and also show the distribution and verify they were used for eligible expenditures. He said the new fund would be called the Local Coronavirus Relief Fund. He said there was companion legislation that is required to be adopted to allow the city to authorize and accept the distribution from the state to the county to the city. He said they also need to eliminate the Youth Activity Fund that was established in 2009. He said they created their own system therefore this fund is no long necessary.

There being no public input, Public Input was closed.

Council Member Garcia MOVED Ordinance 20-12 to the second reading, seconded by Council Member Schwartz. Motion PASSED by majority voice vote.

Resolution 20-15 CARES (Coronavirus Aid, Relief, and Economic Security) Act
Clerk Miscisin read a Resolution by Beavercreek City Council to request the City of Beavercreek's share of funds from the County Coronavirus Relief Distribution Fund and affirming that upon receipt of such funds, all expenditures therefrom will be in compliance with Section 5001 of the CARES Act and any other applicable laws and regulations.

Mr. Kucera said this was the companion piece which needs to be sent to the county and state.

Council Member Schwartz MOVED to approve Resolution 20-15, seconded by Council Member Garcia. Motion PASSED by majority voice vote.

COUNCIL TIME

June 22, 2020

Council Member Duerr thanked the Parks, Recreation and Culture Department who their hard work getting the parks reopened. He also thanked the police department for the CALEA compliance and the COPP program. He thanked staff for the hard work with regards to attaining more grants.

Council Member Garcia thanked the staff for all the detailed information provided in the packets and when speaking.

Council Member Schwartz thanked the citizens, staff and the BFFC for all their input. She thanked the sponsors for the Fourth of July. This community has been through a lot and we haven't had a time to come together to celebrate.

Council Member Curran thanked the Parks Department for their efforts in keeping people active. He encouraged the people to come out and enjoy the fun during the Fourth of July

Vice Mayor Adams thanked staff as well for the detailed information. He said the police department was thinking of doing another Citizens Police Academy later in the year. He asked to please shop the local businesses while following the guidelines in place.

MAYOR'S REPORT

Mayor Stone thanked Mayor Jarvis for all his work with the income tax. He attended the change of command at WPAFB. Col. Patrick Miller will be replacing Col. Sherman who is going to the pentagon. He thanked those that organized the demonstration on June 13th. He was looking forward to the 4th of July. He complimented the city manager for his hard work during the last few weeks.

CITY MANAGER'S REPORT

Mr. Landrum said the 4th of July parade has been cancelled but the 4th of July fireworks will happen at the Mall at Fairfield Commons. He said crews are out painting the roads and ask that you please do not drive over the lines and keep your distance from the trucks and crews. He reviewed new hours of Greene County Environmental Services.

CITIZEN COMMENTS

There being no comments, Citizen Comments was closed.

ADJOURNMENT

Council Member Curran MOVED to adjourn the meeting at 7:22 p.m., seconded by Council Member Garcia. Motion PASSED by majority voice vote.

BEAVERCREEK CITY COUNCIL

REGULAR

June 22, 2020

Bob Stone, Mayor

ATTEST:

Dianne Miscisin
Clerk of Council
Cmin06222020

Agenda Item VI. A.
Second Reading

ORDINANCE NO. 20-12

CITY OF BEAVERCREEK, OHIO

SPONSORED BY COUNCIL MEMBER SCHWARTZ ON THE 22nd DAY OF JUNE 2020.

AN ORDINANCE TO ESTABLISH ONE NEW SPECIAL REVENUE FUND AND TO ELIMINATE ONE SPECIAL REVENUE FUND IN CONFORMITY WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES

WHEREAS, the City is required, per House Bill 481, to establish a separate and distinct special revenue fund to account for Local Coronavirus Relief funds, and

WHEREAS, it is no longer necessary for the City to maintain the Youth Activities Special Revenue fund, and

NOW, THEREFORE, THE CITY OF BEAVERCREEK HEREBY ORDAINS:

SECTION I.

That in conformity of general accepting accounting principles and in compliance with the Ohio Revised Code, the following new fund will be established;

Local Coronavirus Relief Fund (270). This special revenue fund shall be utilized to deposit revenue received from the County Coronavirus Relief Distribution Fund and to cover eligible expenditures related to COVID-19.

That the following fund is recommended for elimination and ordinance establishing this fund is hereby repealed as indicated;

Youth Activities Fund (234). This fund established with Ordinance 00-15 on May 8, 2000, was established to receive various donations to fund youth activity projects as authorized by City Council. The fund balance is zero. All funds have been expended as authorized by City Council. The youth group has taken over managing their own finances, therefore this fund is no longer needed.

SECTION II.

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

PASSED this 13th day of July, 2020.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

ORD 20-12

SUMMARY

AN ORDINANCE TO ESTABLISH A NEW SPECIAL REVENUE FUND AND TO ELIMINATE ONE SPECIAL REVENUE FUND IN CONFORMITY WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.

THIS IS NOT AN EMERGENCY ORDINANCE AND SO IT WILL BECOME EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE.

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

PEL

Meeting Date: July 13, 2020 Agenda Reference No.: VI. B.	Reference Topic: Ordinance No. 20-14 TO APPROVE SUPPLEMENTAL APPROPRIATIONS AND CERTIFY ADDITIONAL REVENUE FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2020, AND ENDING DECEMBER 31, 2020, AND TO AMEND ORDINANCE 19-30, 20-06 and 20-07.
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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"/> Other Motion _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input checked="" type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Human Resources
<input checked="" type="checkbox"/> Parks, Recreation & Culture	<input type="checkbox"/> Engineering	<input type="checkbox"/> Golf Course
<input checked="" type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager

BACKGROUND AND STAFF SUMMARY:

Local Coronavirus Relief Fund (270)

Based on HB 481 Greene County distributed to the city \$557,475 as part of the federal CARES Act. These funds are to be used to cover specific expenses due to COVID 19 (PPE, cleaning supplies, etc.) incurred between March 1 and December 30, 2020. Therefore, certification of additional revenue (CARES Grant 270-432300) and appropriations (Misc. Expenses 270-573320-2499) in the amount of \$557,475 needs to be approved to offset eligible expenses.

Park Levy Fund (279)

In 2019 the Senior Center was awarded a grant in the amount of \$40,000 by the Greene County Council on Aging (GCOAA) to help offset the cost of purchasing a new paratransit van. The grant for the van and the associated expenses to purchase the van were budgeted in the Miscellaneous Trust Fund (750). The new van was paid for out of the Misc. Trust Fund (750), however, the check received from GCOAA was deposited to Parks Fund (279) instead of the Miscellaneous Trust Fund. In order to correct this error, an appropriation in the amount of \$40,000 needs to be adopted so that the grant funds can be allocated to the correct fund (Vehicles 279-543852-4471).

Regional Emergency Response Team (751)

Mr. Greg Staten, a volunteer tactical medic for the RERT, made a \$7,000 donation to be used to support the overall mission of the team. The RERT commander would like to use the donation to provide advanced training for team members. Therefore, \$7,000 needs to be certified in Donations (751-463206) and additional appropriations approved in the amount of \$7,000 (Registration 750-522233-2233) for training.

Cemetery Bequest Fund (816)

Currently there is \$200,000 budgeted in the General Fund for a new columbarium capital upgrade to be built at Mt. Zion Cemetery. It was determined that funds in the Cemetery Bequest Fund can be used for capital improvement at the City cemeteries. Therefore, the Parks Superintendent is proposing that \$100,000, which is half of the columbarium project, be paid from the Cemetery Bequest Fund in order to reduce General Fund expenditures. Therefore, we are requesting that \$100,000 be appropriated in the Cemetery Bequest Fund (Capital Improvements 816-585100-4802) and to reduce appropriations by \$100,000 in the General Fund (Capital Improvements 101-547200-7200).

STAFF RECOMMENDATION: Staff recommends adoption of Ordinance 20-14

**CITY OF BEAVERCREEK, OHIO
ORDINANCE NO. 20-14**

SPONSORED BY COUNCIL MEMBER _____ ON THE 13th DAY OF JULY, 2020.

TO APPROVE SUPPLEMENTAL APPROPRIATIONS AND CERTIFY ADDITIONAL REVENUE FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2020, AND ENDING DECEMBER 31, 2020, AND TO AMEND ORDINANCES 19-30, 20-06 AND 20-07.

WHEREAS, the annual appropriations for 2020 was authorized in Ordinances 19-30, 20-06 and 20-07 it is now the desire to supplement and amend these appropriations and certify additional revenue, and

NOW, THEREFORE, THE CITY OF BEAVERCREEK HEREBY ORDAINS:

SECTION I.

That to provide for current expenses and other expenditures of the City of Beavercreek during said fiscal year ending December 31, 2020, the following amounts appropriated in Ordinance 19-30, 20-06 and 20-07 are hereby amended and the recertification of additional revenue, while preserving all other appropriations as previously approved.

REVENUE FUND (FUND #)	INCREASE REVENUE CERTIFICATIONS
CARES FUND (270)	\$ 557,475
REGIONAL EMERGENCY RESPONSE TEAM (751)	\$ 7,000
TOTAL:	<u>\$ 564,475</u>

EXPENSE FUND (FUND #)	INCREASE/DECREASE APPROPRIATIONS
GENERAL FUND (101)	(\$100,000)
REGIONAL EMERGENCY RESPONSE TEAM (751)	\$ 7,000
CARES FUND (270)	\$ 557,475
PARKS FUND (279)	\$ 40,000
CEMETERY BEQUEST FUND (816)	\$ 100,000
TOTAL:	<u>\$ 604,475</u>

SECTION II.

In order to conform to the amendments detailed in Section I with the schedule of 2020 annual appropriations previously approved, the Financial Administrative Services Director is hereby directed to prepare and certify a restatement of annual appropriations reflecting all approved appropriations and certify the above noted revenue.

SECTION III.

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 IV.

This supplement to the Annual Appropriation Ordinance shall take effect upon adoption, in accordance with Sections 10.04 and 10.10 of the Beaver Creek City Charter.

PASSED this 13TH day of July, 2020.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

ORD 20-14

SUMMARY

An Ordinance to approve supplemental appropriations, certify additional revenue and authorize inter fund transfers for the Fiscal Year ending December 31, 2020.

This is a supplement to the Annual Appropriation Ordinance and in accordance with Sections 10.04 and 10.10 of the Beaver Creek City Charter will become effective immediately upon its passage.



CITY COUNCIL
Annual Council/Management Strategy – July 25, 2020 8:30 a.m.

LOCATION: Beavercreek Senior Center
3868 Dayton-Xenia Road

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. DISCUSSION
 - A. Financial Administrative Services Updates
 - B. Planning & Development Updates
 - C. Public Administrative Services Updates
 - D. Police Updates
 - E. Roundtable Discussion
- V. ADJOURNMENT

DRAFT



CITY COUNCIL
Regular Meeting – July 27, 2020 6:00 p.m.
Council Chambers

1368 Research Park Dr
Beavercreek, Ohio

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND PRAYER/MOMENT OF SILENCE – Council Member Curran
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
- VI. PUBLIC HEARING – PC 20-3 Land Use Plan Update
 - A. Staff Input
 - B. Public Input
 - C. Council Input
 - D. Ordinance 20-___ (First Reading)
- VII. PUBLIC HEARING – PC 20-04 Zoning Code Update
 - A. Staff Input
 - B. Public Input
 - C. Council Input
 - D. Ordinance 20-___ (First Reading)
- VIII. PUBLIC HEARING – 2021 Tax Budget
 - A. Staff Input
 - B. Public Input
 - C. Council Input
 - D. Resolution 20-___
- IX. ORDINANCES, RESOLUTIONS AND PUDS
 - A. Resolution 20-___ Necessity and Intent to Appropriate Property (Joseph and Mollie Nelson) for the County Line Road Widening Project
 - B. Ordinance 20-___ Appropriate the Right-of-Way (Joseph and Mollie Nelson) for the County Line Road Widening Project (First Reading and Public Hearing)
 - C. Resolution 20-___ Necessity and Intent to Appropriate Property (Eric Davis) for the County Line Road Widening Project
 - D. Ordinance 20-___ Appropriate the Right-of-Way (Eric Davis) for the County Line Road Widening Project (First Reading and Public Hearing)
 - E. Resolution 20-___ Necessity and Intent to Appropriate Property (Robert Neff) for the County Line Road Widening Project
 - F. Ordinance 20-___ Appropriate the Right-of-Way (Robert Neff) for the County Line Road Widening Project (First Reading and Public Hearing)
 - G. Resolution 20-___ 1% Income Tax Submission to the Electors
- X. COUNCIL TIME
- XI. MAYOR'S REPORT
- XII. CITY MANAGER'S REPORT
- XIII. CITIZEN COMMENTS
- XIV. ADJOURNMENT

PLANNING DEPARTMENT STATUS REPORT

July 7, 2020

CITY COUNCIL

July 13, 2020

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July 27, 2020

- PC 20-3, Land Use Plan Update, public hearing
- PC 20-4, Zoning Code Update, public hearing

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, public hearing
- 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

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Commercial Permits Submitted and Under Review

- Trinity
- Raising Cane's
- WesBanco

BOARD OF ZONING APPEALS

July 8, 2020

- No cases

Currently Tabled or Delayed

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