

BEAVERCREEK CITY COUNCIL  
REGULAR MEETING March 25, 2019 6:00 p.m.

**PROCLAMATIONS**

- ◆ Volunteer Month, Eric Corbit, Chair, Parks, Recreation & Culture Board

**PRESENTATIONS**

- ◆ Safety Town Presentation, Doug Musser, General Manager, Tobias Funeral Home

**CALL TO ORDER**

Mayor Stone called the meeting to order followed by roll call

**PRESENT:** Council Member Curran, Council Member Litteral, Council Member Rushing, Council Member Vann, Vice Mayor Garcia, Mayor Stone

**ABSENT:** Council Member Upton

Council Member Litteral **MOVED** to excuse Council Member Upton, seconded by Council Member Curran. Motion **PASSED** by majority voice vote

**ALSO IN ATTENDANCE:** Jill Bissinger, Human Resources, Randy Burkett, City Planner; Dennis Evers, Chief of Police; Kim Farrell, Recreation Superintendent; Jeff Fiorita, Captain, Beavercreek Police Department; Steve Klick, Golf Course General Manager; Bill Kucera, Financial Administrative Services Director; Pete Landrum, City Manager; Jeff McGrath, Planning & Development Director; Steve McHugh, Legal Counsel; Dianne Miscisin, Clerk of Council; Jeff Moorman, City Engineer

**PLEDGE**

Council Member Vann led the pledge and a prayer.

**APPROVAL OF AGENDA**

Council Member Litteral **MOVED** to approve the agenda, seconded by Council Member Rushing. Motion **PASSED** by majority voice vote.

**APPROVAL OF MINUTES**

Council Member Curran **MOVED** to approve the February 25, 2019 Regular Meeting Minutes, seconded by Vice Mayor Garcia. Motion **PASSED** by majority voice vote. (Council Member Litteral abstained)

Council Member Litteral **MOVED** to approve the March 11, 2019 Regular Meeting Minutes, seconded by Vice Mayor Garcia. Motion **PASSED** by majority voice vote. (Mayor Stone abstained)

**PUBLIC HEARING – PUD 18-4 SSP #1 Indian Ripple Retail**

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Clerk Miscisin read an application filed by YOLO Development, 3500 Pentagon Blvd., Ste. 500, Beavercreek, OH 45431. The application requests approval of a specific site plan to allow for the development of a 9,800 square foot retail building on 1.25 acres of land. The property is located on the northeast corner of Harbert Drive and Indian Ripple Road. The property is further described as Book 3, Page 19, Parcel 95 on the Greene County Property Tax Atlas.

#### Applicant Presentation

John Kopilchack, YOLO Development, 3500 Pentagon Blvd., Beavercreek, Ohio  
Mr. Kopilchack said this was rezoned earlier in the year and said the first building was already 50% leased. It was hoped to start building as soon as they receive approval. He said this building would be a mix of medical, retail and office.

#### Staff Presentation

Mr. McGrath summarized the staff report dated March 21, 2019 stating the applicant was requesting approval of a specific site plan to allow for the construction of an approximately 8,700 square foot, multi-tenant retail building on 1.5 acres. He said this was the first phase of a two phase project. He reviewed the location, surrounding zoning, the proposed site plan, permitted uses, access points, parking, elevations, lighting, landscaping, sidewalks, dentation and signage. Planning Commission and staff recommended approval of this request.

#### Public Input

There being no public input, public input was closed.

#### Council Input

Council Member Litteral thanked the applicant and thought it was a great asset to that area.

Council Member Vann asked which elevation was on Indian Ripple and Harbart. Mr. McGrath reviewed the information. Council Member Vann asked the width of the parking spaces. Mr. McGrath believe they were nine feet by eighteen feet.

Council Member Curran asked about the storm water retention. Mr. McGrath said storm water management was subject to approval by the engineering before being issued a permit. He said at this point they do not get fully into those details because they still have to fully engineer the site.

#### Motion

Council Member Litteral moved for the purpose of taking administrative action, approval of a Specific Site Plan for Indian Ripple Retail, on the basis that City Council finds the facts submitted with the application and accompanying

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materials, and modifications, amendments and supplementary conditions satisfy the standards and criteria for a Specific Site Plan as per §158.066 of the Zoning Code. Supplementary conditions required of this approval shall be as follows. Council Member Litteral further moved that this motion with all conditions be fully recorded in the minutes of this Council meeting.

1. The approved site plan shall be the plans dated "Received February 07, 2019" except as modified herein.
2. The approved architectural elevations shall be the plans dated "Received March 1, 2019" except as modified herein.
3. A PUD Agreement must be signed by the owner and a bond or letter of credit for the 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.
4. The final landscape plan shall be reviewed and approved by the Planning Department prior to the release of a zoning permit for the building.
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 installed, within three months weather permitting.
6. Any portion of the site disturbed by grading or by the removal of former structures and/or pervious surfaces and on which no construction occurs within three months after completion of the site grading, shall be planted with appropriate ground cover and properly maintained. Such areas shall be shown as part of the final landscape plan.
7. Debris and trash shall be routinely collected by the owner from the parking lot and grounds of all areas of the project including the storm drainage facilities. The City reserves the right to require more frequent collection as necessary.
8. All building mechanical equipment is to be screened from all directions with architectural features (roof forms or parapet walls) on each building. 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.

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9. Gutters and downspouts shall not be visible on any elevation of the building. They shall be internally mounted.

10. Design elements consistent with the front and side elevations shall be continued to the rear of the building and final plans for all elevations shall be reviewed and approved by the Planning Department prior to the release of a zoning permit.

11. 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 20 feet, and no pole shall be located in the paved area of the parking field. All light fixtures and related illumination of the site must meet the conditions outlined in the Zoning Code.

12. All man-doors, service doors and loading dock doors shall be painted to match the color of the building as to blend in with the proposed façade.

13. Any split-face block, EIFS, or concrete masonry unit block will be of integral color and not a material that is painted on the outside only.

14. The existing ground sign shall be removed prior to the issuance of any tenant permits.

15. The ground sign shall be a maximum of 8 feet tall and have a maximum 56 square feet per sign face. The final design and location shall be subject to review and approval by the Planning Department prior to release of a permit for the sign.

16. The ground sign shall be set in a minimum one-foot masonry base that shall be constructed of the same material as used to construct the principal structure. The framing shall be gray or silver, instead of brown, and all panels will be have the same background color.

17. Wall signage shall comply with the Zoning Code for B-3 districts. The applicant shall be allowed to have one additional wall sign, on the eastern elevation, the final location and size to be reviewed and approved by the Planning Department prior to the issuance of a sign permit.

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18. All wall signs shall be individually mounted channel letters or panels. No raceways shall be permitted.

19. No temporary signs shall be permitted within this development.

20. All trash collection containers shall be screened from view and enclosed within a permanent dumpster enclosure or stored completely within the building. Any dumpster enclosure shall be constructed of the same materials as the primary building and have a closable, lockable gate. 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.

21. Sidewalk along Harbert drive shall be shown on the permitting plans and shall be installed per the specifications of the Engineering Department.

22. A sidewalk connection and crosswalk shall be required from the building to future Indian Ripple Road sidewalk.

Seconded by Council Member Vann. Motion PASSED by majority voice vote.

**PUBLIC HEARING – PUD 18-2 SSP #1** Holiday Inn Express

Clerk Miscisin read an application filed by Miami Valley Hospitality LLC, 2919 Ambrosia Lane, Xenia, OH 45385. The application requests approval of a specific site plan to allow for the development of a 4-story, 87 quest room Holiday Inn Express on 2.402 acres of land. The property is located on the west side of Esquire Drive approximately 250 feet north of the intersection of Lakeview Drive and Esquire Drive further described as Book 4, Page 5, Parcel 104 on the Greene County Property Tax Atlas.

**Applicant Presentation**

Mitch Cosler, 545 Hilltop Rd, Beavercreek, Ohio

Mr. Cosler reviewed some of the building details of the Holiday Inn Express. He said all of the conditions were being dealt with and he would be available for questions.

**Staff Presentation**

Mr. McGrath summarized the staff report dated March 20, 2019 stating the applicant was requesting approval of a specific site plan for the construction of 4-story, 87 room hotel, to be located on 2.402 acres. He reviewed the location, surrounding zoning, the proposed site plan, access, parking, setbacks, building

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elevation, landscaping, lighting, and signage. Planning Commission and staff recommended approval of this request.

#### Public Input

There being no public input, public input was closed.

#### Council Input

Council Member Vann said she like the opportunity for another hotel.

Council Member Litteral great opportunity for Beavercreek.

Vice Mayor Garcia thought it was a great location.

#### Motion

Council Member Curran moved for the purpose of taking administrative action, approval of a Specific Site Plan for Holiday Inn Express, 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 Specific Site Plan as per §158.066 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 February 27, 2019", except as modified herein.
2. The approved architectural plans for this development shall be the plans stamped "Received February 27, 2019", except as modified herein.
3. A detailed landscape plan shall be reviewed and approved by the Planning and Development Department prior to the execution of the required PUD Agreement and the release of any zoning permit for this project. Additional landscaping along the southern property line shall be included, as depicted in Exhibit A.
4. Perpetual maintenance of landscaping shall be provided and any dead or diseased materials shall be removed and replaced with similar types, species and sizes as originally planted, within three months, weather permitting.

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5. Any portion of the site disturbed by grading, and on which no construction occurs within three months after completion of the site grading, shall be planted with appropriate ground cover free of noxious weeds and construction debris and shall be properly maintained.
6. 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.
7. All trash collection containers shall be screened from view and enclosed within a permanent dumpster enclosure or stored completely within the building. Any future dumpster enclosure shall be constructed of materials consistent with the principle building. The final design of the enclosure shall be reviewed and approved by the Planning and Development Department prior to the issuance of any zoning permits.
8. Ground signage shall adhere to the regulations set forth in the Zoning Code for B-3 districts. The final design and location shall be subject to review and approval by the Planning and Development Department prior to a release of a permit for the sign. If constructed, the ground sign shall be set in a base that shall be constructed of materials compatible with the materials that are used to construct the new principal structure, to be reviewed and approved by the Planning and Development Department.
9. Wall signs, shall be permitted on the east and north architectural elevations, as shown on the architectural elevations (broken into a 36 square-foot logo sign, and a 60 square-foot "Holiday Inn Express & Suite" sign). No wall signs shall be permitted on the west elevation of the building. In no case, shall wall signs shall be permitted to project above the roofline of the building.
10. Wall signs shall be individually mounted channel letters. The use of raceways or painting of letters on the wall shall be prohibited.
11. 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

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by the Planning Department. Maximum mounting height for any parking fixture shall be 16 feet (including any concrete base), and no pole shall be located in the paved area of the parking field. All light fixtures and related illumination of the site must meet the conditions outlined in the Zoning Code. Lights in the parking lot shall be reduced to no greater than 25 percent illumination level within one hour of closing.

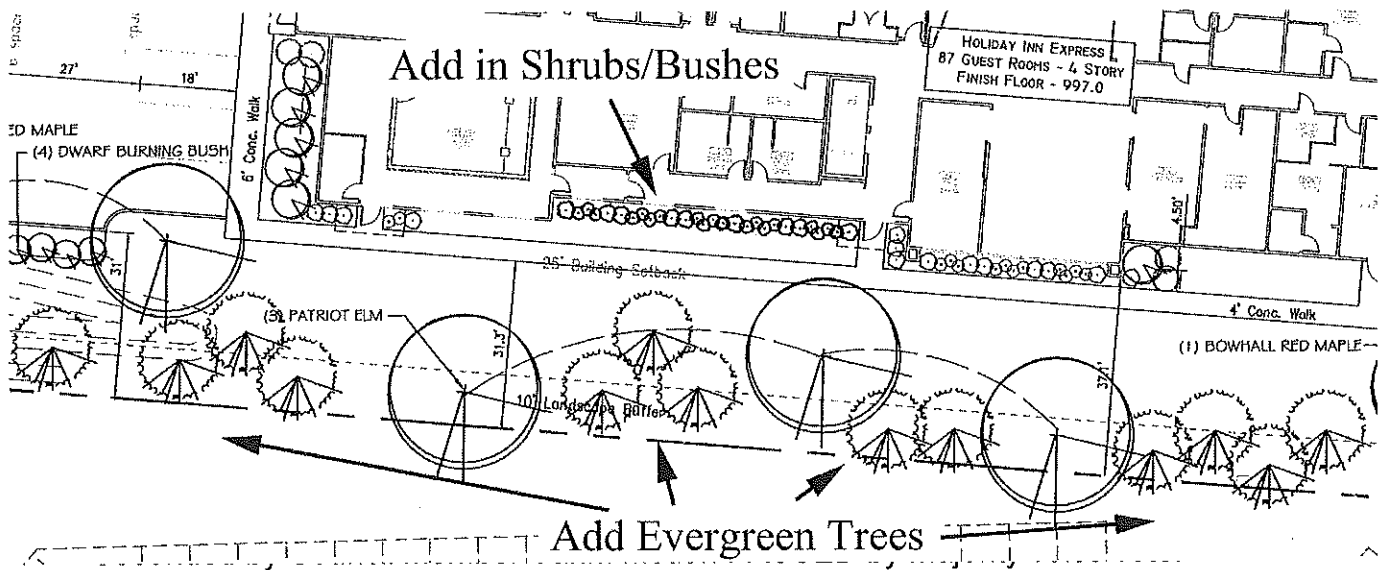
12. The building exterior shall not be painted or altered in any way that varies from the approved elevations unless otherwise approved by the Planning and Development Department or, if required, by the City Council and/or Planning Commission.
13. No portion of the building may be occupied for the first time or reoccupied later until and unless an application of a Certificate of Use Compliance has been submitted to the City by the property owner or by the prospective occupant. No such occupancy may occur until the application of Certificate of Use Compliance has been approved and issued by the City.
14. All concerns of the City Engineer, Fire Department, Sanitary Engineer and the Planning and Development Department shall be addressed prior to the issuance of a permit for the project.
15. 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.
16. Debris and trash shall be routinely collected by the owner from the parking lot and grounds of all areas of the project. The City reserves the right to require more frequent collection as necessary.
17. Impact fees must be paid for this project. The required impact fee will be reviewed and approved by the City Engineer and the impact fee must be paid prior to the release of the zoning permit.
18. Downspouts shall be internally mounted and shall not be visible on the exterior of the building.



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- 19. Exterior construction hours shall be limited to 7:00 AM to 7:00 PM, Monday thru Saturday.
- 20. The sidewalk along the frontage of this property shall be repaired.
- 21. Prior to the grading of the site, the applicant shall install a plastic orange fence parallel to the western property 20 feet from the western property line to designate area to be undisturbed by construction to ensure the protection of existing trees and groundcover. Immediately upon completion of the project, the plastic fence shall be removed.
- 22. The EIFS designated EIFS-RR and EIFS-DB shall be textured in a standard size brick (3-5/8" x 8") pattern.
- 23. The storage area shown on the site plan shall be completely contained within the dumpster enclosure, not visible from ordinary public view.

**EXHIBIT A**



Seconded by Council Member Vann. Motion PASSED by majority voice vote.

**ORDINANCES, RESOLUTIONS AND PUDS**

**Ordinance 19-02** Council Compensation (Second Reading)

Clerk Miscisin read an Ordinance increasing the annual salary of the members of council to twelve thousand dollars (\$12,000.00) effective January 1, 2020 per Charter Section 4.10 Compensation.

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Harold Lewis, 1423 Town Hall Road, Beavercreek, Ohio

Mr. Lewis questioned why the increase was 100%. He said the only reason he heard was to be able to participate in a state retirement program. He said he didn't even know they were in a retirement program and questioned why not social security. He said you are all volunteers. He wasn't saying Council didn't deserve an increase but not 100%. He said you can get reimbursed for expenses. He said there were levies coming up and this was a poor time to get a 100% pay increase. He said the charter says you have to pass a resolution to receive reimbursement of expenses and he hadn't seen a resolution yet. He said it was never done.

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

Council Member Litteral said public employees come in many way shapes and forms including elected officials. She said this increase did not affect her because she was termed out. She thought Council did deserve a slight increase. She said one of things people do not realize is there is a lot of driving and a lot more to this job than people think. She believed there was a need for an increase and thought \$8500 was acceptable. She felt the voters should be the ones to give elected officials raises. She wanted the residents to know there was a lot more that goes into this position than showing up to meetings.

Council Member Rushing asked if they could amend the Ordinance at the second reading if Council so desired or would it be viewed as a material difference. Mr. McHugh said in his opinion it would not be a material difference, assuming the motion would be a decrease. Council Member Rushing said they do need to listen to resident comments as well as being as frugal as possible. He said they could entertain a change to the Ordinance to reflect a minimum credit to OPERS without doubling the actual salary. He said the minimum credit to OPERS would be \$660 per month. He said currently the rate is \$500 per month. He was willing to make a motion to increase the salary to \$7,920 annually after discussion. Mr. McHugh recommended to round it up to \$8,000.

Council Member Vann reminded everyone they were the third largest city in the Dayton Metropolitan region. She said Centerville makes \$14,500, Kettering, \$22,980; Miamisburg, \$14,515; Springfield, \$14,330. She said they were a big city, Council was very cautious of the money and did not think it was too much to ask for \$1,000 per month.

Vice Mayor Garcia said she agreed with Council Member Vann and Council Member Rushing. She thought \$12,000 was a lot until it was broken down to

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\$1,000 per month. She said to do some of the things they do as a public servant they have to take time away from their day jobs.

Mayor Stone said it was during his first term on Council when the last increase occurred 20 years ago. He said it went from \$2,000 to \$6,000 which is triple the amount. He said OPERS minimum has increased twice in the last couple of years. He said the township trustees make \$28-30,000 per year. The county commissioners make \$60,000 per year. He said they don't do any more work than they do on Council. He said while this is volunteer there are expenses which cannot be documented most of the time. He said he spends 30-40 hours per week doing this job. He said they lowered the number of signatures required to run for council because they weren't getting anybody to run. He said you can't afford to be on Council at \$6,000 per year. He said he was not stuck on \$12,000 but did not think it unrealistic. He said he was looking at the Council that sits here ten years from now.

Vice Mayor Garcia said no one sitting on this council would be affected. Only those who are re-elected would get the new amount. She said they were thinking of future Councils.

Mr. McHugh addressed the council expenses. He explained that Section 4.10 does provide that Council may adopt Resolutions with respect to receiving expenses. He said the budget appropriation process, Section 10.10 was revised to include a provision stating there was no required Resolution to approve under Section 4.10 if the expenses were approved with the annual appropriations or an amendment. He said all of the expenses approved this year and last year have been expenses appropriated for Council. Therefore, they would fall under Section 10.10 and not Section 4.10.

Mayor Stone said on some of the larger items they have made motions and gave the example of the most recent motion to approve the City Manager and Mayor to attend the DDC Fly-In. He said this was not required because it was appropriated.

Council Member Rushing said he would be more than happy to make a motion to reduce the amount but felt the consensus was to leave it as is. He used the OPERS number because he was comfortable with it.

Vice Mayor Garcia MOVED to amend to amount to \$9000 annually, seconded by Council Member Litteral. Motion was DENIED by a roll call vote of 3-3 (Against-Vann, Curran, Stone)

This Ordinance will move automatically to the Third Reading.

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**Ordinance 19-03** Additional Appropriations

Clerk Miscisin read an Ordinance to approve supplemental appropriations, certify additional revenue and authorize inter-fund transfers for the fiscal year beginning January 1, 2019 and ending December 31, 2019 and to amend Ordinances 18-28, and 19-01.

Mr. Kucera reviewed the appropriations, additional revenue and inter-fund transfers. The funds affected are the General Fund, Golf Course Fund, Street Levy Fund (203), Parks Levy Fund (279) and Regional Emergency Response Team (RERT) (751).

Council Member Rushing said even with these adjustments the fund balance would still meet the 20% fund balance.

Council Member Rushing MOVED to move Ordinance 19-03, seconded by Vice Mayor Garcia. Motion PASSED by a roll call vote of 6-0.

**Resolution 19-22** Authorize Tax Exempt Leasing Agreement

Clerk Miscisin read a Resolution authorizing the City Manager to purchase a Bearcat Armored Vehicle from Lenco on behalf of the Regional Emergency Response Team (RERT), and to enter into a tax-exempt municipal lease financing with U.S. Bancorp Government Leasing and Finance, Inc. to finance the purchase.

Mr. Kucera said we were the lead agency for the Regional Emergency Response Team (RERT). The RERT is replacing the current 1983 armored vehicle with a new Lenco-Bearcat. He said it was the City of Beavercreek's responsibility to execute the purchase agreement and sign the documents for the five year capital lease. He said the city is liable for the lease but there was an agreement with the other members of the RERT stating they will make the required payments over the next five years. The purchase amount was \$248,401 and the lease was through U.S. Bank Corp. The payments would not start until 2020 in the amount of \$18,094 per year per member. He stated this capital lease payment would be paid with state and federal forfeiture money. He said there was no police levy money involved with this organization.

Council Member Curran MOVED to move Resolution 19-22, seconded by Council Member Litteral. Motion PASSED by a majority voice vote.

**Resolution 19-23** Memorandum of Understanding (MOU) with Wright Patterson Air Force Base

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Clerk Miscisin read a Resolution approving and authorizing a new mutual aid agreement between Wright-Patterson Air Force Base, 88<sup>th</sup> Security Forces Squadron and the City of Beavercreek, Ohio.

Chief Evers said he had a Memorandum of Understanding with WPAFB that outlines the procedures when mutual aid assistance is requested by either of the parties. He said this agreement was an update of the current agreement was executed in 2003. He said Mr. McHugh had reviewed the agreement.

Council Member Litteral MOVED to move Resolution 19-23, seconded by Vice Mayor Garcia. Motion PASSED by a majority voice vote.

### **LIQUOR PERMITS**

#### **El Toro of Beavercreek LLC DBA El Tor Mexican Bar & Grill (New)**

Chief Evers said the Ohio Division of Liquor Control sent notification of a request to transfer a D5I permit from El Toro of Beavercreek LLC DBA El Toro Mexican Bar & Grill, 2420 N. Fairfield Rd., Beavercreek, 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 recommended this application request move forward with no comment.

Council Member Litteral MOVED to accept without comment, seconded by Vice Mayor Garcia. Motion PASSED by a majority voice vote.

### **DECISION ITEMS**

#### **Peace Exploratory Committee Liaison**

Mayor Stone said this was discussed at the work session.

Council Member Vann reviewed the history of City of Peace and was being done to reach peace. She said there were currently 238 Cities of Peace around the world at this time. She would like to celebrate the United Nations International World Day of Peace every September. She said they were putting together an exploratory committee to gather ideas and she asked to be recognized as the liaison to the Peace Exploratory Committee.

Council Member Litteral MOVED to recognize Council Member Vann as liaison to the Peace Exploratory Committee, seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

### **COUNCIL TIME**

Council Member Curran attended a Girl Scout event which was very moving.

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Council Member Litteral congratulated staff for the accomplishments for acquiring the Ohio Public Works Grant for Kemp Road. She said the Police and City Hall Open House would be held on May 18<sup>th</sup> from 11:00 a.m. – 2:00 p.m.

Council Member Vann gave examples of what she had done as a council member and events she had participated in.

#### **MAYOR'S REPORT**

Mayor Stone attended the Girl Scout event at Angels Pass. He attend the Air Force Institute of Technology's graduation who was celebration their 100<sup>th</sup> anniversary. He would be attending the Mayor's Alliance meeting in Columbus on Tuesday. He thanked Council Member Vann and Council Member Curran for facilitating the International Officers' visit last week in his absence.

#### **CITY MANAGERS REPORT**

Mr. Landrum said Coffee with a Cop would be held at Starbucks in Kroger on Wednesday, March 27<sup>th</sup> from 7:00 a.m. to 10:00 a.m. The Greene County Sanitary Department would be painting the water tower in Summerfield beginning April 1<sup>st</sup>. The Fourth of July Committee is taking applications for Grant Marshall, Sponsorships and Parade. Please see the city website for applications and more information.

Ms. Bissinger reviewed and highlighted awards and accomplishments of staff members.

Mayor Stone commended everyone for their service and going above and beyond.

#### **CITIZEN COMMENTS**

There being no comments, Citizen Comments was closed.

#### **ADJOURNMENT**

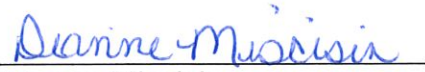
Council Member Litteral MOVED to adjourn the meeting at 7:42 p.m., seconded by Council Member Curran. Motion PASSED by majority voice vote.



Bob Stone, Mayor

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ATTEST:



Dianne Miscisin  
Dianne Miscisin  
Clerk of Council  
Cmin032519