

BEAVERCREEK CITY COUNCIL
REGULAR MEETING January 11, 2010 6:00 p.m.

PRESENT: Councilmember Giambrone, Councilmember Howard,
Councilmember Petrak, Councilmember Wallace, Vice Mayor Jarvis, Mayor
Hadley

ABSENT: Councilmember Vann

Mayor Hadley called the meeting to order followed by roll call.

Councilmember Howard MOVED to excuse Councilmember Vann. Motion was
seconded by Councilmember Giambrone and was PASSED by unanimous voice
vote.

Mayor Hadley led the pledge and a prayer.

Councilmember Giambrone MOVED approval of the agenda. Motion was
seconded by Councilmember Howard and PASSED by unanimous voice vote.

Councilmember Howard MOVED approval of the minutes of the December 14,
2009 meeting with changes. Motion was seconded by Councilmember
Giambrone and was PASSED by unanimous voice vote.

PRESCHEDULED SPEAKER

Libby Kimm side path Completion on Beaver Valley

Team Psyclones, competing in Lego League, explained this season their
research project was to study transportation in the community. They discovered a
problem with the bike path that does not connect their neighborhood to schools
or the bike trail. Team Psyclones presented their problem to Beavercreek
Township, and were told a bike path along Beaver Valley Road was not the best
idea because it would be too expensive and dangerous. Instead, Beavercreek
Township proposed a bike path connection through Hunter's Ridge. Team
Psyclones stated a grant is needed to fund a bikepath connector from Hunter's
Ridge neighborhood to Rotary Park, and requested help from City Council. A
video was played about Team Psyclones, ages 9 to 13, about their upcoming
robotic competition in November. The video explains for Team Psyclones fulfill
another part of the competition they must offer a solution to a transportation
problem in their community.

PUBLIC HEARING – PUD 09-1 Hanley Chiropractor SSP#1

Clerk Bucheit read an application filed by Stuart Hanley, 2190 Bandit Trail,

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Beavercreek, OH 45434. The applicant requests specific site plan approval for 0.899 acres of land to allow for the construction of an approximately 2,500 square foot chiropractor's office located on the northwest corner of Richmar Drive and Factory Road. The property is further described as Book 6, Page 14, Parcel 108 on the Greene County Property Tax Atlas.

Mike Smith, Civil Engineer and Surveyor representing Dr. Hanley, stated they are requesting to build a single use chiropractic office. Mr. Smith explained the building is going to be one-story, and will be residential in character with four-sided architecture. He discussed the building materials, and the colors of the material. Mr. Smith said they have a 50-foot rear yard buffer, and the landscaping they are planning to install will be approximately \$25,000. He stated Dr. Hanley will have 16 parking spaces total with 2 handicap spaces. Mr. Smith discussed the lighting in the parking lot, and explained it will be reduced after business hours. He said the Engineering Department requested additional right-of-way for the improvements on Factory Road and Richmar Drive, which Dr. Hanley was willing to accommodate an additional ten feet along Factory Road and five feet along Richmar Drive. Mr. Smith stated that access to the property will be off Richmar Drive, and line up with the Beverage Dock on Richmar Drive.

Mr. Burkett summarized the staff report dated January 7, 2010, which stated in November 2009, the property was rezoned from B-2 to C-PUD 09-1 allowing a medical office use. Mr. Burkett discussed the location of the property, the surrounding properties' zoning districts, the building setbacks and buffers, the access point, the lighting requirements, the building elevations and the proposed colors of the building, the landscaping plan and requirements, the location of the sign, and the sign requirements. He stated staff had received a citizen concern about construction vehicles on the B-3 property Dr. Hanley owns to the north, and said Dr. Hanley is in the process of getting that issue resolved. Staff recommended approval of the case with 26 conditions.

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

Councilmember Giambrone questioned what the feedback from the neighbors had been. Mr. Burkett explained the feedback staff had received was regarding the B-3 property to the north. Councilmember Giambrone asked if the City will have the right to see the signage and lighting plan. Mr. Burkett stated staff will review those plans before the zoning permit is approved. Councilmember Giambrone was concerned with the headlights spilling over to the residential property to the west. Mr. Burkett explained the property owner never contacted the City, and there was a six-foot fence surrounding the rear yard.

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Councilmember Wallace complimented Mr. Burkett on a nice presentation, and was please to see the condition was added that Planning Commission recommended.

Councilmember Howard asked if staff had reviewed the location of the sign and landscaping along Factory Road to make sure it would not create any light-of-sight issues. Mr. Burkett stated staff would have the Engineering Department review the sign location before the sign is installed, and the proposed landscaping will not create any line-of-sight problems because they are shade trees. Councilmember Howard questioned what the setback was for the sign. Mr. Burkett stated the City has a requirement that it must be 15 feet back from the right-of-way.

Councilmember Petrak was pleased with the landscaping along the western property line.

Vice Mayor Jarvis questioned how water would flow to the west of the property. Mr. Smith stated it will be directed to flow into the side ditch that is currently there, and they will have to control the site so runoff is less than the predevelopment condition. Vice Mayor Jarvis said many of the plans were labeled "preliminary" and asked when they will be finalized. Mr. Burkett explained the next step in the process is the applicant will apply for a zoning permit. Before the zoning permit would be approved, staff would review the final plans. The sign will require a sign permit, which those plans would be reviewed at that time.

Vice Mayor Jarvis said there were three different numbers for the square footage of the building, and thought it needed to be consistent. Mr. Burkett said when they apply for the permit; it should say 2,577 square feet because that is the correct square footage. Mr. McGrath said if the Ordinance that was approved for the rezoning case specifies 2,500 square feet, the building cannot be over that amount. Vice Mayor Jarvis and Mr. Burkett discussed the future expansion on the landscaping plan.

Mayor Hadley questioned what would have to happen if the applicant wanted to add the future expansion that is shown on the site plan since there is a 2,500 square foot maximum on the Ordinance Council already approved. Mr. Burkett said that would have to be presented to Council as another case. Mayor Hadley asked if staff restricted white pines from the site, and preferred to have pine trees planted that would provide dense growth that will benefit the neighbors. He wondered if the elevation of the parking lot was going to be even with the lot behind it, and thought if it could be done then the applicant needed to do so.

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Councilmember Howard MOVED, for the purpose of taking administrative action, approval of a PUD Specific Site Plan for Hanley Chiropractor, PUD 09-1, SSP #1, 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 PUD Specific Site Plan approval as per §158.066 of the Zoning Code. Supplementary conditions required of this approval shall be as follows. I further move that this motion with all conditions be fully recorded in the minutes of this Council meeting.

1. The approved site plan, architectural elevations and landscape plan shall be those plans dated "Received November 24, 2009" except as modified herein.
2. A PUD Agreement must be signed by the owner and a bond or letter of credit for 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.
3. A detailed landscape plan shall be reviewed and approved by the Planning Department prior to the execution of the required PUD Agreement and release of a zoning permit for the building. The final landscaping plans shall show an additional five Green Spruce trees to be planted along the western property line between the proposed building and the residential property to the west. The final location of the five trees shall be subject to approval by the Planning Department, reflected on the final landscape plan. Three of the five trees may be planted in lieu of the three white pine trees, shown north of the future building, as seen in Attachment 1.
4. Perpetual maintenance of landscaping shall be provided and any dead or diseased materials shall be removed and replaced with similar types, species and sizes as originally planted within three months weather permitting.
5. 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.
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. 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, and all fixtures shall be full-cutoff fixtures. 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

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illumination level within one hour of closing.

7. No temporary signs of any kind are permitted unless otherwise approved by the Planning Department and/or Planning Commission.
8. No portion of any building may be occupied for the first time or reoccupied later until and unless an application for a Certificate of Use Compliance has been submitted by the property owner or by the prospective occupant and approved by the City of Beavercreek.
9. Scuppers and downspouts shall be painted to match the exterior of the building.
10. The façade shall not be painted or altered without the express permission of the Planning Department and/or Planning Commission.
11. Material and color samples shall be submitted to the Planning Department for review and approval prior to the issuance of a zoning permit. The material labeled as "siding" shall be considered "hardy plank siding". The final color of the hardy plank siding used on the building shall be approved by the Planning Department prior to the issuance of a zoning permit for the building.
12. All service doors shall be painted to match the building.
13. Final drainage calculations shall be approved by the City Engineer prior to the release of the zoning permit.
14. All concerns of the City Engineer, Fire Department, Sanitary Engineer and the Planning Department shall be addressed and met prior to the release of a zoning permit.
15. Prior to the issuance of a zoning permit, the applicant shall dedicate the right-of-way, as shown on the site plan, by deed transfer to be reviewed and approved by the Engineering Department, and recorded with the County Auditor's Office.
16. The ground sign shall not exceed 5 feet in height.
17. The ground sign shall have a maximum sign area of 25 square feet per sign face with a total maximum 50 square feet on both sides combined. The final design of the sign structure shall be reviewed and approved by the Planning Department prior to the release of a sign permit.

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18. The construction hours and trash collection shall be limited to 7:00 AM to 7:00 PM, Monday thru Saturday.
19. The existing Honeysuckle shrubs in the southwest corner of the site shall not be removed without the express permission of the Planning Department.
20. The landscaping and screening shall be inspected after installation, by the Planning Department, to ensure appropriate screening is in place for the adjacent residential properties. The Planning Department reserves the right to require additional plantings to be installed if the Planning Department determines that the design, as constructed, does not and will not provide the intended screening. The additional plantings shall be installed prior to the release of any landscaping bonds or prior to the reduction of any letters of credit submitted with the PUD Agreement.
21. The unfinished basement may not be converted to office space or examination rooms or areas without the express permission of the Planning Commission and City Council.
22. 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 and properly maintained.
23. Pad mounted mechanical and HVAC equipment must be screened with landscaping and/or masonry walls and shall not be visible to the public.
24. Any trash receptacles kept outdoors shall be stored on the northern or western side of the building.
25. The applicant shall have a minimum of two handicap parking spaces dedicated in the parking lot.
26. No dumpster shall be placed on the property without approval from the Planning Department and the required enclosure shall match and compliment the materials and colors of the building.

Motion was seconded by Councilmember Wallace, and PASSED by unanimous voice vote.

ORDINANCES, RESOLUTIONS AND PUDS

Ordinance 09-33 PUD PC 09-6 Land Use Plan (Third Reading)

Clerk Bucheit read an Ordinance adopting an Amendment to Ordinance #07-25 to amend the City Land Use Plan (PC 09-6)

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Councilmember Giambrone MOVED to approve Ordinance 09-33, seconded by Vice Mayor Jarvis. Motion PASSED by unanimous voice vote.

Ordinance 09-34 PUD 93-4 Amend 10/09 Ashton Brooke Phase I (Third Reading)

Clerk Bucheit read This Ordinance adopts a recommendation to Amend Ordinances #08-26, #02-3 and #93-66 (MX-PUD 93-4) to construct 80 multi-family residential units on the west side of Lillian Lane north of New Germany-Trebein Road. This is not an emergency ordinance and will become effective 30 days after passage.

Mayor Hadley MOVED to approve Ordinance 09-34, seconded by Councilmember Petrak. Motion PASSED by unanimous voice vote.

Ordinance 09-35 Update of Employee Manual (Third Reading)

Clerk Bucheit read an Ordinance repealing current Personnel Rules and Regulations for the City and adopting New Personnel Rules and Regulations for the City.

Councilmember Giambrone MOVED to approve Ordinance 09-35, seconded by Councilmember Howard. Motion PASSED by unanimous voice vote.

Ordinance 09-36 Amend Ordinance 09-15 which Levied Special Assessments on the Mission Point Project (Third Reading)

Clerk Bucheit read an Ordinance amending Ordinance No. 09-15, which Levied Special Assessments for the purpose of providing certain improvements for the Mission Point Project in the City.

Councilmember Petrak MOVED to approve Ordinance 09-36, seconded by Councilmember Wallace. Motion PASSED by unanimous voice vote.

Ordinance 09-37 Amend Ordinance 09-17 which Levied Special Assessments on the Ballymeade Project (Third Reading)

Clerk Bucheit read an Ordinance amending Ordinance 09-17, which Levied Special Assessments for the purpose of providing certain improvements for the Ballymeade Project in the City.

Mayor Hadley MOVED to approve Ordinance 09-37, seconded by Councilmember Giambrone. Motion PASSED by unanimous voice vote.

Ordinance 09-38 Establishment of a new Accounting Fund (Second Reading)

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Clerk Bucheit read an Ordinance to establish a new Accounting Fund and to eliminate certain existing accounting funds 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 however it will be effective retroactively 12:01 A.M. January 1, 2010.

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

Vice Mayor Jarvis stated on Page 2 the mayor needed to be changed to Mayor Hadley.

This Ordinance will move automatically to the Third Reading.

Resolution 10-01 Approving City Manager to sign Equipment Agreement with the Township

Clerk Bucheit read a Resolution to Authorize the City manager to enter into an agreement on behalf of the City of Beavercreek with Beavercreek Township for use of Township Equipment.

Mr. Beach explained the City annually holds a snow meeting with staff and they discuss methods to stretch manpower or address problems when severe storms occur. He stated an idea was discussed to formalize the agreements with surrounding communities, in terms of working out an agreement with Beavercreek Township. Mr. Beach said an example would be if they were finished with their own duties, and were available for work, they would come into the City and help if the City was not able to address that need.

Councilmember Giambrone stated this is exactly what they discussed at the retreat, and felt it was a great concept.

Councilmember Giambrone MOVED to approve Resolution 10-01, seconded by Councilmember Howard. Motion PASSED by unanimous voice vote.

Resolution 10-02 Allocating Marriage money to Mayor's designated Fund
Clerk Bucheit read a Resolution Authorizing the Financial Administrative Services Director to Deposit Marriage Revenues into the "Committed Park Monies Fund-Land Acquisition".

Mayor Hadley MOVED to approve Resolution 10-02, seconded by Councilmember Petrak. Motion PASSED by unanimous voice vote.

LIQUOR LICENSES

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Brailey Concepts

Chief Turner explained that the Ohio Division of Liquor Control sent the police notification of a request for a records check on applicants for renewal of a liquor permit. The applicants, Mr. Glen Brailey and Mr. John Brailey applying for a D1 liquor permit for Brailey Concepts LLC., DBA Spinoza's Gourmet Pizza & Salads, located at 2727 Fairfield Commons, Suite E 205, Beavercreek, OH 45431. A records check on the applicants revealed no criminal record with this agency or in the State of Ohio.

Councilmember Giambrone MOVED to accept without comment, seconded by Councilmember Petrak. Motion PASSED by unanimous voice vote.

Brunnings Clock Shop

Ohio Division of Liquor Control sent police notification of a request for a records check on the applicant for a renewal of a liquor permit. The applicant, Mr. Michael Yegerlehner is renewing a D1 liquor permit for Brunings Clock Shop Inc., DBA Brunings, located at 1481 N. Fairfield Rd., Beavercreek, OH 45432. A records check on the applicant revealed no criminal record with this agency or in the State of Ohio.

Vice Mayor Jarvis MOVED to accept without comment, seconded by Councilmember Howard. Motion PASSED by unanimous voice vote.

Revco Discount Drugs/DBA CVS Pharmacy 3458

Ohio Division of Liquor Control sent police notification of a request for a records check on the applicants applying for a new liquor permit. The applicants a Ms. Linda Cimbron, Mr. Thomas Moffatt, Ms. Melanie Luker, Mr. Zenon Lankowsky and Ms. Carol Denale are applying for a C1, C2 liquor permit for the Revco Discount Drug Center Inc. DBA CVS Pharmacy 3458, 1331 N. Fairfield Rd., Beavercreek, OH 45432. A records check on the applicants revealed no criminal record with this agency or in the State of Ohio.

Councilmember Petrak MOVED to accept without comment, seconded by Councilmember Howard. Motion PASSED by unanimous voice vote.

DECISION ITEMS

Council Appointments to Local Agencies

Mayor Hadley stated they needed to appoint Council Members to the local agencies. The following appointments were made.

Councilmember Giambrone MOVED to appoint Council Members to the following positions:

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Greene County Regional Planning Commission: Councilmember Wallace – Councilmember Petrak

Greene County Family and Children First Council: Vice Mayor Jarvis – Councilmember Giambrone

Upper Little Miami River Implementation Team (TMDL): Councilmember Petrak – Vice Mayor Jarvis

Miami Valley Regional Planning Commission: Councilmember Howard – Councilmember Wallace

Greene CATS Board Liaison: Councilmember Petrak – Councilmember Howard

Greene County Waste/Water Advisory Committee: Councilmember Vann – Councilmember Wallace

Investment Committee: Councilmember Giambrone – Councilmember Wallace

Fourth of July Committee: Mayor Hadley – Vice Mayor Jarvis

Motion was seconded by Councilmember Petrak, and PASSED by unanimous voice vote.

CITY MANAGER'S REPORT

Mr. Cornell stated the cost for Winter Storm #4 that happened on January 7, 2010 was \$66,338, and the cost for Winter Storm #5 that occurred on January 9, 2010 was \$6,347. He said staff did a phenomenal job clearing the snow.

Mr. Cornell explained Council Work Sessions for January and February were rescheduled. The January 19th meeting was moved to February 1st, and the February 16th meeting was moved to March 1st. He stated the meetings are held at 5:00 p.m. in the Council Chambers at City Hall.

Mr. Cornell said Martin Luther King Day is Monday, January 18th, and City Hall, Lofino Senior Center, and Golf Course are closed. He stated the Maintenance Facility (Street Department) will remain open.

Mr. Cornell appreciated all of the citizens' comments regarding the State of the City message.

MAYOR'S REPORT

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Mayor Hadley complimented staff for the great job they did in removing the snow in the last snow storm.

Mayor Hadley stated it was a great feeling to be back as Mayor. He said he has the opportunity to put some money towards buying park land when he performs marriage ceremonies. Mayor Hadley explained if he was out of town when a wedding ceremony needed to be performed, Vice Mayor Jarvis would be able to perform them.

COUNCIL TIME

Councilmember Giambrone explained Vice Mayor Jarvis and she had the opportunity to attend the promotion ceremony for Lt. General Janet Wolfenbarger. Lt. General Wolfenbarger is the only three star general in the Air Force currently. Councilmember Giambrone stated Lt. General Wolfenbarger is a graduate of Beavercreek High School, and during the ceremony she expressed how grateful she was to be in Beavercreek. She said there is a Proclamation that has been done, and Council has invited her to come speak at a Council meeting.

Councilmember Giambrone stated she wanted to again thank Kris Joshi and his family, for the \$100,000 donation from the Joshi Foundation and UES to be used toward the construction of the Beavercreek Station facility. The donation was received by the City in December 2009.

Councilmember Giambrone said Five Guys Restaurant opened in Beavercreek next to Chipotle near the mall. She congratulated Greg Sample, Randy Gunlock, and Chris Mastin the three business owners who brought it to the community.

Councilmember Wallace thanked the voters, and her fellow Council Members.

Councilmember Howard thanked staff for the great job with the snow removal. She stated there are openings on the Boards, Commissions, and Committees, and the City will be accepting applications until February 1st. Clerk Bucheit stated they will have everyone in office by the end of February. Councilmember Howard explained that information is available on the City's website for anyone who is interested.

Councilmember Petrak explained he received some positive feedback from several citizens about the snow removal.

Councilmember Petrak stated he attended a Greene CATS meeting in December, and they had their consultant come in and speak about the new facility they are building that will house their offices and bus fleet. He explained it will be around a 40,000 square foot facility, and will approximately cost three and

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a half million dollars. Councilmember Petrak explained when they were in the planning stages, the County wanted to put some other offices in the facility. They determined to add some other functions in the facility, such as, the Board of Education, Regional Planning Commission, Parks and Recreation, Drug Task Force, etc. He stated the total build-out is going to be about six and a half million dollars. Councilmember Petrak explained they are still searching for the land, and they have a number of options open but they are not identifying them.

Vice Mayor Jarvis stated last Wednesday he attended the Census Open House in Kettering, which is the local office for both Montgomery and Greene Counties. He explained the event was held to familiarize community leaders with census field operations. Vice Mayor Jarvis said the census is the count of everyone living in the US, and is held every 10 years. He stated the Census information sheets should be arriving at people's homes mid March, and it is extremely important people fill these out.

There was a discussion about the different levels of a City by population, and Council determined they would look further into it.

UNSCHEDULED SPEAKERS

Walt Lichtenberg, 3114 Claydor Drive, stated when the Franciscan Hospital closed several years ago, 65 mental health beds were lost. He said at that time, the community hospitals would hold a patient for five days, and if they were not stable they would be sent to Twin Valley. He explained two years ago, Twin Valley closed, and the plan was to send patients to Cincinnati, Columbus or Toledo depending on where they lived. Mr. Lichtenberg said because of the cost and several other reasons that was not a practical solution, and now patients are let out of hospitals before they are stable. He stated a hospital is going to be built in Beavercreek, and they claim to be a full service hospital, but there will be no psychiatric ward. Mr. Lichtenberg requested when they come before Council for additional projects, they keep that in their minds. He felt there is a true need for more critical care mental health beds.

Executive Session

Councilmember Petrak MOVED to enter into Executive Session at 7:26 p.m., pursuant to Section 121.22 of the Ohio Revised Code, for the purpose of preparing for, conducting or reviewing negotiations or bargaining sessions with public employees, seconded by Councilmember Howard. Motion was PASSED by a roll call vote of 6 to 0.

Councilmember Petrak MOVED to adjourn Executive Session, seconded by Councilmember Howard. Motion was PASSED by a roll call vote of 6 to 0.

BEAVERCREEK CITY COUNCIL

REGULAR

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Councilmember Howard MOVED to adjourn the meeting at 7:52 p.m., seconded by Vice Mayor Jarvis. Motion was PASSED by a roll call vote of 6 to 0.

Mayor Hadley

ATTEST:

Clerk of Council
Cmin011110