

BEAVERCREEK CITY COUNCIL
REGULAR MEETING January 12, 2009 6:00 p.m.

PRESENT: Mr. Hadley, Mr. Leonard, Mrs. Howard, Mr. Petrak, Vice Mayor
Giambrone, Mayor Vann

ABSENT:

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

Mrs. Howard led the pledge and a moment of silence.

Vice Mayor Giambrone MOVED to approve the agenda it was seconded by Mr.
Petrak. The Motion PASSED by unanimous voice vote.

Mr. Hadley MOVED to approve the minutes for December 8, 2008, seconded by
Vice Mayor Giambrone the Motion PASSED by majority voice vote (Howard
abstained).

Mr. Petrak MOVED to approve the minutes for November 25, 2008 as amended,
seconded by Mrs. Howard the Motion PASSED by majority voice vote
(Giambrone abstained).

Mrs. Howard MOVED to approve the minutes for November 24, 2008, seconded
by Vice Mayor Giambrone the Motion PASSED by unanimous voice vote

Vice Mayor Giambrone MOVED to approve the minutes for November 17, 2008,
seconded by Mr. Leonard the Motion PASSED by majority voice vote (Howard,
Petrak abstained).

Mr. Hadley MOVED to approve the minutes for November 3, 2008, seconded by
Vice Mayor Giambrone, the Motion PASSED by majority voice vote (Howard,
Leonard abstained).

PUBLIC HEARING Z-08-2 Beaver Creek Township Board of Trustees

Clerk Bucheit read on an application filed by Beaver Creek Township Board of
Trustees, 1981 Dayton-Xenia Road, Beaver Creek, OH 45434. The application
requests the rezoning of 5.011 acres of land from A-1 Agricultural District to R-1A
One-Family Residential District located on the south side of Indian Ripple Road
and approximately 165 feet east of the intersection of Hawthorne Glen Trail and
Indian Ripple Road further described as Book 3, Page 22, Parcel 84 on the
Greene County Property Tax Atlas.

Chris Schaeffer of Schaeffer Engineering stated that this is a rezoning case from
A-1 back to R1A, the Township wants to build a new fire station on the property.
They may or may not use all the land and may sell half of the five acres after a
replat and would not be able to split it unless it is R1A. Plans are still in the
development stages for the Fire Station and he thinks it will be compatible with
the surrounding uses.

Mr. McGrath stated the property was rezoned from R-1A One Family Residential
to A-1 Agricultural in 2006. The owner of the property, at the time, wanted to be
able to reconstruct the existing accessory buildings on the property and wanted
to house miniature ponies on the property. Given the nonconformity of the size of
the accessory structures on the site and the prohibition of "farm" animals within
the R-1A District the applicant rezoned the property to A-1 through Planning
Commission and City Council.

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Should this application be approved, the existing accessory structures located on the property will become nonconforming structures and will be governed by the nonconformity section of the Zoning Code. The structures are nonconforming because the total square footage for accessory structures within in an R-1A is limited to 50-percent of the footprint for the principal structure. As can be seen in the aerial photos, the accessory barns well exceed that limitation.

The surrounding zoning to the west, which includes a few single family homes in Hawthorne Glenn and Country Acres 8 are zoned R-1A. To the south and southeast and over 13 acres of vacant property across Indian Ripple to the north are also zoned R-1A. Directly abutting the property to the east is the Township property containing the Beaver creek Fire Department station house.

Beyond the immediate surroundings, proximate land to the north includes the Durnbaugh Farm zoned A-1 Agriculture and the cemetery at the corner of Indian Ripple Road and North Fairfield Road, owned by the City of Beaver creek, zoned A-1 Agriculture.

The applicant, Beaver creek Township Trustees, purchased the entire 5.011 acre tract in anticipation of an expansion or possible construction of a new fire station immediately adjacent to the existing fire station that serves southern Beaver creek. They will, more than likely, split the property so the existing residential structure could be sold while carving out a parcel of land which adjoins the existing fire station property.

Since there is a minimum of 5 acres of land needed for an A-1 Agricultural parcel, the applicant needs to rezone the property prior to the consideration of a lot split. The applicant understands that all provisions of the R-1A Zoning District need to be met, should this application be approved, in order to split the existing parcel into two separate parcels. There are no immediate plans for the expansion of the existing fire station or construction of a new fire station. When that time comes, the applicant will go through the Board of Zoning Appeals for a Conditional Use approval, as required by the Zoning Code.

This property falls within the Indian Ripple Planning Area 4 of the Land Use Plan. The text states, " Planning Area 4 is comprised of a series of typically residential and agricultural parcels containing single family units, condominium units, Trinity Homes retirement complex, rural home sites, and agricultural uses." The text goes on to state, " IRPA 4 is designated as Low Density Residential.....This designation is consistent with the land use occurring to the north, south and east as well as in Beaver creek Township."

There being no Public Input the Public Hearing was closed.

Vice Mayor Giambrone wanted to know if the Township decided to split off a parcel from this property to sell would the development have to come back to City Council. Mr. McGrath explained that a single family residence being built to the rear of the property would not come back but if the Fire Station rebuilds they will have to come before the BZA for a variance.

Mr. Petrak asked what the frontage was to this site; Mr. McGrath stated approximately 500 to 600'. Mr. Petrak wanted to know who would be responsible for putting in the road to get back to the house. Mr. McGrath said that if the Township wanted to sell the property they would have to negotiate with the buyer about who would put it in.

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Vice Mayor Giambrone MOVED to approve Ordinance 09-01 and send it to the second and third reading seconded by Mr. Hadley it was approved by unanimous voice vote.

PUBLIC HEARING PC-08-6 Austria Professional Office Building
Clerk Bucheit read on an application filed by Mike Taylor, 210 N. Saint Clair Street, Dayton, OH 45402. The applicant requests an Administrative Site Plan Review and Approval (ASRA) for 0.7455 acres of land for construction of a 3,500 square foot office located on the south side of Indian Ripple Road near the intersection of Indian Ripple Road and Marydale Drive. The property is further described as Book 3, Page 21, Parcel 272 on the Greene County Property Tax Atlas.

Mike Taylor thanked Planning Department for their assistance with their application as the Indian Ripple Corridor Regulations were quite tricky. This will be a 3500 sq ft professional office building for a financial planner who will use about 1900 sq ft and rent out the other 1400 sq ft. This commercial building is close to single family homes and was required to look residential in nature. There is a detention basin between this property and the residential district and they are planning on mounding on one side and adding landscaping with spruce trees to increase the buffer.

Mr. Burkett stated the applicant, acting as an agent for the property owner, is requesting approval for a detailed site plan for approximately 0.75 acres, located 200 feet south of the intersection of Marydale Dr. and Indian Ripple Road. The entire parcel that this project is located on is approximately 1.95 acres; however the applicant is in the process of subdividing this 0.75 acre portion of the property from the existing larger parcel. The request is for approval for the construction of a 3,476 square foot professional office building, and for a future expansion of an additional 1,631 square feet. The applicant's client is proposing to operate his financial advisory business in a portion of the building and to lease the remainder of the building to an undetermined tenant. Also included in the application is an 8'x10' brick storage building for lawn care and facility maintenance equipment.

The applicant is proposing to complete this project in two phases. The first phase will be the construction of the 3,476 square foot office building and 16 parking spaces in the parking lot. Per the submitted floor plans the applicant will occupy 2,215 of the 3,476 square foot building and the remaining 1,261 square feet will be left for an undetermined tenant. The second phase of this project is a 1,631 square foot expansion area and an additional 5 parking spaces. The date of the expansion is unknown.

This property, located just south of Indian Ripple Road and Marydale Dr. is within Indian Ripple Planning Area #3. As a planned development area, this property is subject to the Administrative Site Plan and Review Approval (ASRA) process. The Land Use Plan states that Indian Ripple Planning Area (IRPA) #3 is located "between more intensive commercial activity to the west on Indian Ripple Rd and very well defined residential activity immediately to the east [and] this area is best suited as a transition district between the two extremes...".

This property is zoned B-2, Community Business District. Professional offices, including financial holding and investment services are an allowed use within B-2 districts.

The property to the south of this project is zoned R-1A, One-Family Residential, and is being used as a private residence. To the west of this project is the River Valley Credit Union, which is the current owner of the property in this application, and is zoned B-2, Community Business. To the north of the project is Cassano's

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Pizza, which is also zoned B-2, and is being operated as a restaurant. Directly across Marydale Dr. to the east is C-PUD 91-4, Carpenter's Square, which contains a 14,500 square foot office building that is mostly vacant, but does contain a Clearwire Internet Service sales office.

The Zoning Code requires a minimum lot size of 30,000 square feet or 0.68 acres. This lot, while currently 1.95 acres, will be 0.75 acres after it is subdivided. The proposed lot with this application will exceed the minimum lot size for B-2 Districts. All front, side and rear setbacks that are required within B-2 zoning districts have been met by this application, as has the minimum 40-foot minimum right-of-way setback. All B-2 districts abutting an R-1A District must have all uses and buildings setback at least 50 feet from the residential district property line, and this requirement has been met with this application. The nearest use to the R-1A property is the proposed 8-foot x 10-foot storage building which is 78 feet from the property line and the principal structure is over 80 feet from the residential district.

The applicant is proposing a one-story, 3,476 square foot structure. Staff is pleased with the proposed design of the building, and feels that it is representative of a good transitional building between the commercial businesses along Indian Ripple Road to the north, with the residential neighborhood to the south.

The building incorporates 4-sided architectural features, and is residential in style. It is approximately 16.75 feet tall, which is below the 25-foot maximum in B-2 districts, 66 feet wide and 54 feet deep. The future expansion area is proposed on the north side of the building and will add an additional 47.5 feet by 34 feet to the original building. All four elevations comprise of a mostly red brick veneer with a light brown split-faced block base and a light brown EIFS accent band near the top of each of the elevations. All four sides of the building use aluminum store front windows, with cast stone window sills. The roof is shown as a brown asphalt shingle, and external downspouts will be used on all four elevations. These features in combination help give the building a residential look. The front (eastern) elevation has brown EIFS arches over the windows and the front door and cast stone accent features within the dormers.

There is one access point to this site, and it is not from a public right-of-way. As such, staff has added a condition that when this project's property gets subdivided from the rest of the parcel, there will have to be a permanent access easement granted to ensure perpetual ingress and egress to the project is available. The proposed access point is 30 feet west of where the private access drive intersects with Marydale Dr., and is 24 feet wide.

The applicant has included 16 parking spaces with this application, 14 regular and two handicap accessible spaces, and an additional five labeled as future when the building addition is constructed. The Zoning Code states that for Real Estate, Insurance, Legal or other similar uses, there shall be one space for every 200 square feet, plus one space for every employee. When calculating floor area for purposes of parking requirements, it is common practice to either subtract 15% if the floor plan is unknown, or to subtract restrooms, storage rooms, hallways and the like if the floor plan is known. Since we know the floor plan for half of the building, we subtracted the non-applicable areas from the 2,215 square feet to come up with a floor area of 1,328 square feet. For the remaining 1,261 square feet portion of the building, labeled as tenant on the floor plan and has no specific floor plan layout or use designated, we use the parking requirement for general professional office and subtract 15% from the floor area. In total the applicant is required to have 16 spaces for the proposed building and

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required an additional five spaces for the expansion area, which is exactly what they show on the plans.

Staff is generally pleased with the overall landscape plan for the site. The shown evergreen trees, shade trees, shrubs and decorative plants will add to the general attractiveness of the site. The plans call for a 3-foot mound to be constructed along the majority of the southern property line. This mound, along with the five 6-foot evergreen trees to be installed atop of the mound will help aid in the screening of this property from the residential property to the south. Staff has added a condition in the proposed Motion that requires all existing trees on site to remain unless their removal is specifically approved by the Planning Department, and that the final landscape plan should incorporate the existing trees as well. We want to ensure that the mature trees on site are not removed unless absolutely necessary. It should be noted that there are 4 dead or dying evergreen trees that are along the southern property line. These trees were installed by the River Valley Credit Union as part of their landscaping requirements. The City still has a maintenance bond for these trees and has sent a letter to the River Valley Credit Union which requires these trees to be replaced at the earliest possible time, by the Credit Union.

Since this is currently an empty lot, and there will be an increase in the amount of impervious surface to the site, they are required, by Ordinance, to detain the stormwater runoff generated by this development. Rather than constructing their own detention pond, they are proposing to use the stormwater detention pond of the River Valley Credit Union. The detention pond constructed for the Credit Union to the west was designed to accommodate stormwater generated for both properties. Staff has added a condition that there be a permanent drainage easement granted from the Credit Union to this property.

The plans show the applicant is proposing two 16-foot light fixtures to be used to illuminate the parking area. The submitted lighting plan does not show the rear of the building, in particular the areas near the two rear doors, will be illuminated. The Zoning Code has minimum lighting standards for all building entry points, even if they are infrequently used. Staff has added a condition that requires the final lighting plan be reviewed and approved by the Planning Department, and that the rear entry areas be illuminated to at least the minimum level required by Code.

Included in the application are two wall signs and one ground sign. On the north elevation, facing the private access drive and ultimately Indian Ripple Rd. is a 9-foot by 1-foot wall sign that names the building. The plans label this as "individually painted letters", which staff has been informed this was mislabeled and should read "individually mounted letters". Staff has added a condition that requires the use of channel letters, individually mounted, and therefore painted letters would not be acceptable. On the eastern elevation, the front of the building has the same wall sign except that the lettering is slightly arched, and therefore is 9-feet by 2-feet.

Also included for consideration is one ground sign, which will be located 17 feet west of the curb of Marydale Dr. near the northeast corner of the property. The proposed sign is a monument sign, constructed of a brick base, five feet tall by 10 feet wide, with the actual sign face five and a half feet by three feet, or 25 square feet on each side for 50 square feet total. This sign will have a small ground light that will illuminate the face of the sign externally.

The applicant is proposing to have one small accessory storage building on site to house lawn care and facility maintenance equipment. This building will be about 4 feet from the southwest corner of the principal structure and will be

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approximately 8 feet long by 10 feet wide and 8.5 feet tall. The plans call for the structure to be constructed of brick to match the principal building and will have metal doors and have asphalt shingles that match the building. Staff sees no problem with this structure, as the proposed structure is relatively small, constructed of the same materials as the principal building, and with two 6-foot evergreens trees installed between the storage building and the southern property line.

There is no dumpster enclosure shown on the plans. The applicant has informed staff that it is their intent to have residential trash receptacles as their form of waste management. Condition #6 requires that all trash receptacles be enclosed within a building.

Public Hearing

Ken Malinowski of 3956 Barrymore Lane was concerned about privacy for the residents especially after the Ollie Davis Medical Building and what they were promised. He asked Council what recourse they had to get the 6 ft mound and trees.

Chris Stacy of 3968 Barrymore Lane was concerned about the lighting and the barrier between the two properties. She wanted to be sure that that the trees that were required at this site would actually buffer the residents and that it would not take twenty years before it did. Ms. Stacy handed a petition to the Clerk requesting a more sufficient barrier for the privacy of the neighbors.

Mr. Hadley asked about the size of the mound, Mr. Burkett stated that it would be 3 ft high with six foot trees planted on top of the mound. Mayor Vann asked staff to comment on the mound and buffering on the Ollie Davis property.

Mr. McGrath stated that this mounding and landscaping is not yet finished, the City holds a substantial bond on the landscaping which will not be released until the mound is 6 ft tall and the trees are planted as per the plan. He stated it was still a work in progress and that they could call the bond and install what should be there.

Mr. Hadley wanted the mound on this property to be 6 ft also. Mr. McGrath stated that the difference is that this building is not the same height as the medical building and is residential in character and does not encroach as closely either. Mr. Hadley stated that 6 ft would be excessive.

Mr. Leonard thanked the residents for coming to Council to let them know about the problems with the other property. He asked Mr. McGrath how long the bonds were held. Mr. McGrath stated he would have to check that PUD agreement, but normally they held on to 20% for at least three growing seasons to be sure if anything died it would be replaced and there was usually a condition stating that the maintenance of the landscaping must be done in perpetuity.

After much discussion about the trees Mr. Hadley MOVED to add condition number 28, "The three foot (3') mound shall be planted with the maximum number of six foot Norway Spruce trees consistent with the minimum spacing requirements for that species of tree.

Mrs. Howard MOVED to approve PC-08-6 Austria Professional Building with the additional condition.

"I move, for the purpose of taking administrative action, approval of an ASRA Detailed Site Plan for the Austria Professional Office Building, PC 08-6, on the basis that City Council finds the facts submitted with the application and

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accompanying materials, and modifications, amendments and supplementary conditions satisfy the standards and criteria for ASRA Detailed Site Plan approval as per §158.083 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 plans shall be those plans dated “Received January, 7 2009” except as modified herein.
2. The approved building elevations shall be those plans stamped “Received January, 7 2009” except where modified herein.
3. A Development 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.
4. A detailed landscape plan shall be reviewed and approved by the Planning Department prior to the execution of the required Development Agreement and 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 planted within three months weather permitting.
6. All trash collection dumpsters and curb side pick-up containers shall be enclosed within a building.
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. 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. 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.
9. No temporary signs of any kind will be permitted unless otherwise approved by the Planning Department and/or Planning Commission.
10. No portion of any building may be occupied for the first time or reoccupied later until and unless an application for a Certificate of Zoning Compliance has been submitted by the property owner or by the prospective occupant and approved by the City of Beavercreek.
11. Scuppers and downspouts shall be painted to match the exterior of the building.
12. The façade shall not be painted or altered without the express permission of the Planning Department and/or Planning Commission.

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13. All service doors shall be painted to match the building.
14. Final drainage calculations shall be approved by the City Engineer prior to the release of the record plat for recording.
15. A final subdivision shall be approved by Planning Commission and recorded with the Greene County Auditor's Office prior to the release of a zoning permit for this project. The final subdivision shall show a permanent access easement from this property to the access drive immediately to the north to remain in perpetuity. There shall also be designated on the final subdivision a permanent drainage easement to the property to the west.
16. Prior to the release of the record plan for recording, the applicant shall sign a Subdivider's Contract and submit a bond or letter of credit for the public improvements if required by the City Engineer.
17. 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.
18. The ground sign shall not exceed 5 feet in height.
19. 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 brick used to construct the base of the sign shall match the brick used to construct the building.
20. The construction hours shall be limited to 7:00 AM to 7:00 PM, Monday thru Saturday.
21. No portion of any building or any parking lot or improved structure shall be within the 50-foot buffer area along the southern portion of the property.
22. The architectural style of the proposed expansion area shall match the architectural style of the original building. Prior to the issuance of any renovation or addition permit for the expansion area, the applicant shall submit architectural elevations to the Planning Department for review and approval to ensure compatibility.
23. All wall signs shall be individually mounted channel letters, the use of raceways or painting of letters on the wall shall be prohibited.
24. The brick used to construct the accessory structure shall be the same material used to construct the main building. The asphalt shingles used to construct the accessory structure shall match the asphalt shingles used to construct the main building.
25. The existing trees on the site shall not be removed without the express permission of the Planning Department.
26. The five additional parking spaces labeled as future parking shall be constructed prior to the occupancy of any building expansion area.
27. The building shall incorporate four-sided architectural features with no apparent rear.

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28. The three foot (3') mound shall be planted with the maximum number of six foot Norway Spruce trees consistent with the minimum spacing requirements for that species of tree, as established by the American Nursery & Landscape Association guidelines, while still sufficiently screening the property to the south, per the approval of the Planning and Zoning Department prior to the issuance of a zoning permit.

Seconded by Vice Mayor Giambrone it was approved by unanimous voice vote.

ORDINANCE, RESOLUTIONS AND PUDS

Ordinance 08-52 Z-08-1 Kaiser Insurance Agencies (Second Reading)

Clerk Bucheit read this Ordinance adopts a recommendation to rezone approximately 0.484 acres of land located at the northwest corner of Hanes Road and Dayton-Xenia Road (3010 Dayton-Xenia Road) from R-1A One Family Residential District to RO-1 Residential/Office District. This is not an emergency ordinance and will become effective 30 days after passage.

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

This Ordinance moves automatically to the third reading.

Ordinance 08-53 Supplemental Appropriation Street Funds

Clerk Bucheit read an Ordinance to make supplemental appropriations for the Fiscal Year ending December 31, 2008 and to amend Ordinance 07-57 as amended. This is a supplement to the Annual Appropriation Ordinance and so in accordance with Section 10.10 of the Beavercreek City Charter will become effective immediately upon its passage.

Mr. Kucera stated that this is a housekeeping item to clear up an audit exceptions to the expenditures and over expending. He said he developed a spreadsheet to be sure that they were in agreement with what was sent to the County Auditor and found out that they were not. This Ordinance will correct the balances to what they should be, in 408 Fund they appropriated the expenditures but not the additional revenues that came in from grants. The ordinances that were sent over were the correct amount but the balances that were sent were not correct.

Mr. Hadley asked if any additional money was spent that was not budgeted. Mr. Kucera explained that the previous ordinances that Council had received and approved were for grants and capital improvements that were added and those were appropriated, the balance that sent was not correct.

Mrs. Howard thanked Mr. Kucera for the checks and balances that he had created to correct the problems.

Mrs. Howard MOVED to approve Ordinance 08-53, seconded by Vice Mayor Giambrone it was approved by roll call vote of 6 to 0.

Resolution 09-1 Authorizing the Finance Director to request the Auditor of Greene County for advance of Real Estate and Personal Property Taxes

Clerk Bucheit read a Resolution authorizing the Financial Administrative Services Director to request advance draws upon the amounts collected by the Greene County Auditor for the City of Beavercreek 2008 Real Estate and Personal Property Taxes during the calendar year 2009.

Mr. Kucera stated that the Auditor distributes property tax revenue only in March and August although collections are made during the entire year. By making advance draw requests, the City is able to receive its monies in advance of the

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normal distributions and therefore utilize the funds early and earn additional interest income.

Mr. Hadley MOVED to approve Resolution 09-1, seconded by Mrs. Howard it was approved by unanimous voice vote.

Resolution 09-2 Application for Recreational Trails Grant-Beavercreek Station
Clerk Bucheit read a Resolution authorizing the submittal of an application for funding through the Recreational Trails Program (RTP) for the Beavercreek Station Facility.

Mr. Beach thanked Mr. Bill Beecroft of the Beavercreek Bikeway Committee for helping with these 60 page grant applications. This is a grant request for State ODNR funds to reduce the City's share on an existing project for the Beavercreek Station at U.S. 35 at Fairfield that is slated for construction in 2010. This is a restroom facility and parking lot and they are seeking \$150,000 for the local share.

Mr. Petrak MOVED to approve Resolution 09-2, seconded by Mr. Hadley it was approved by unanimous voice vote.

Resolution 09-03 Application for Recreational Trails Program and Clean Ohio Trails Fund Grant—Lofino Park Bikeway Spur Project
Clerk Bucheit read a Resolution authorizing the submittal of an application for funding through the Recreational Trails Program (RTP) and/or the Clean Ohio Trails Fund (COTF) for the Lofino Park Bikeway Spur Project.

Mr. Beach stated that this is an application for the final phase to connect the walkway system for Lofino Park to connect to Crestshire Court to allow for better access to the neighbors. It is a small project for about \$40,000 with either 75% or 80% funding.

Mr. Petrak MOVED to approve Resolution 09-3, seconded by Vice Mayor Giambrone it was approved by unanimous voice vote.

Resolution 09-4 Application for Recreational Trails and Clean Ohio Trails Fund Grant-I-675 Pedestrian Bridge
Clerk Bucheit read a Resolution authorizing the submittal of an application for funding through the Recreational Trails Program (RTP) and/or the Clean Ohio Trails Fund (COTF) for the I-675 Pedestrian Bridge Project

Mr. Beach stated that this is an application to obtain supplemental funding for a project slated for 2013 for the connection of the pedestrian/bikeway bridge across I-675 to connect to the Wright State University Bikeway system. Mr. Beach is hoping to obtain funding of either \$150,000 or \$300,000 depending on the grant, it is more likely to be funded in future years because they like to fund the projects that will be built in a couple of years but they like to put it in front of them year after year to move it up the list.

Mrs. Howard asked if this would fund just our portion of the funding there are other partners, municipalities and Wright State University. Mr. Beach stated that it was to reduce the City's portion of the project and they are working with the other agencies to firm up agreements on their shares.

Mr. Hadley asked about the two different drawings and which one they would build. Mr. Beach stated that would be determined during the preliminary engineering stage and they would pick the least costly alternate possible that

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takes the least amount of right-of-way and construction. It will also depend if ODOT allows the construction.

Mr. Hadley MOVED to approve Resolution 09-4, seconded by Mrs. Howard it was approved by unanimous voice vote.

Resolution 09-5 Greene County Building Department Agreement

Clerk Bucheit read a Resolution authorizing the City Manager to enter into an amendment of the agreement dated August 17, 1982 between the City of Beavercreek and Greene County authorized by Resolution no. 82-17 for the purpose of permitting the County to conduct building inspections on behalf of the City.

Mr. McGrath stated that they were requesting to allow the City Manager to enter into an amended agreement with Greene County Building Department to conduct building inspections; this agreement changes the use classifications as they are currently referenced in the Ohio Basic Building Code.

Mr. Kuzma of Greene County stated that they wanted the agreement updated so that the County could take over the institutional use groups which includes hospitals, day cares and jails.

Mrs. Howard MOVED to approve Resolution 09-5, seconded by Mr. Hadley it was approved by unanimous voice vote.

DECISION ITEM

Council Appointments to Local Agencies

Mayor Vann stated that they needed to appoint Council Members to the Local Agencies. The following appointments were made.

Mr. Hadley MOVED to Appoint the Council Members to the following positions:

Fourth of July Committee: Mr. Hadley

Greene County Regional Planning Commission: Mrs. Howard – Mr. Petrak

Greene County Family and Children First Council: Vice Mayor Giambrone-Mr. Petrak

Little Miami Basin Council (MVRPC): Mr. Petrak

Miami Valley Regional Planning Commission: Mrs. Howard – Mr. Hadley

Sister City Committee: Mr. Leonard

Greene County Water Advisory Task Force: Mr. Leonard – Mr. Petrak

Investment Committee: Vice Mayor Giambrone

Seconded by Mrs. Howard it was approved by unanimous voice vote

Liquor License

Chief Turner stated that the Ohio Division of Liquor Control had sent Police notification of an applicant applying for a new liquor permit. The applicant, Mr. Glen Brailey is applying for a D5a liquor permit for Brailey concepts LLC, DBA Spinoza's Gourmet Pizza & Salads, located at 2727 Fairfield Commons, Suite E 205, Beavercreek. A records check on the applicant and on his secretary John

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Brailey and it revealed no criminal record with this agency or with the State of Ohio.

Mr. Hadley MOVED to accept without comment, seconded by Mrs. Howard it was approved by unanimous voice vote.

CITY MANAGER'S REPORT

Mr. Cornell reminded the citizens that the City Hall will be closed for Martin Luther King Day on January 19, 2009. The Maintenance Facility will be open and the Police Department. The Council Work Session will be held on Tuesday January 20th at 5:00 pm here in chambers.

Mr. Cornell stated that Beaver Valley Road north of New Germany-Trebein Road is closed as of today for about 30 days to replace several culverts and to stabilize the stream bank. This part of Beaver Valley had been slated to be part of the street paving program for the summer-fall of 2008 and but when an evaluation was completed for the needs of this corridor it became quickly apparent that there were other significant issues related to erosion and drainage.

Mr. Cornell stated that the employee of the month for December as selected by his peers is Officer Kevin Kovacs he is responsible for some administrative duties in the department including the computer system and has been with the City since 1992.

Mr. Cornell stated that he had presented the State of the City Address to the Beavercreek Chamber of Commerce and the Rotary and wanted to thank both organizations for their support and positive comments. He is willing to present to any groups that are interested and it will be outlined in the In Touch and on the website.

Mr. Cornell reminded everyone that the Parks, Recreation and Culture Department is involved in a Citizen Interest Survey and it can be completed online at the City website www.ci.beavercreek.oh.us or the Township website at www.beavercreektownship.org . This survey is a very significant component in our effort with our Parks Master Planning initiative and will continue till February 1st.

Mr. Cornell thanked the Street Department for their efforts in maintaining the roadways; he was contacted by Denny Morrison who said they are one of the few schools on a couple of occasions who did not have to have a two hour delay because the streets remained passable.

MAYOR'S REPORT

Mayor Vann stated that the newspaper had published the release of the flood plain maps in the paper for Greene County and asked Mr. McGrath to explain what it is all about. Mr. McGrath stated that ODNR and FEMA are in the process of updating the maps that were done in Greene County in 1982 that establish the contours and base elevations associated with the regulated flood plains in the City. They have finished their studies in the County and with the technology being better today they can overlay the floodplain maps distinctions with aerial photos and increase the contours. Only established regulated floodplains and floodways are being studied none are being added. The County is running ads in the paper saying that changes have been finalized and to take a look at the maps to see if you are affected. ODNR will be sending the City updates on individuals that will be affected and the City will mail out letters to the 20 or 30 individuals in the City that are affected. There will be individuals added to the floodplain, taken out of the floodplain or it could increase the amount of the property that is included in the floodplain. This is a more specific study and there is less chance for any future changes, it more narrowly defines the scope of the floodplain and

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helps the City work with new construction. The City passed an ordinance last year regulating the floodplain and since we are up to date with the regulations it will help to keep the costs under control for those people who must have flood insurance.

Mayor Vann said that many citizens were interested in the City Council vacancy and the process to fill the position. She said that fourteen applications were received before the December 31, 2008 deadline. Mrs. Howard stated that the last time they replaced a Council Member they set two dates to interview all the applicants so everyone might be available and they spent about 15 minutes with each applicant. Each Council Member submitted questions to the Mayor and each took a turn asking a question and there was a grid each member had to rate the candidates. After all interviews were done they met in Executive Session to discuss the details of the applicants, then in open session they nominated and voted for the candidates. Mr. Leonard suggested that they have call backs for the top candidates for more extensive interview time and Mayor Vann suggested there be a written questionnaire. Mrs. Howard also mentioned the 3 minute presentation by each candidate on why they are applying for Council and stated that they must be quick and concise with the other questions so the candidates will have time to answer. Vice Mayor Giambrone stated that 3 to 5 questions per candidate would be reasonable. Mr. Hadley suggested 15 minute interviews and 20 minute time slots.

Council

Mr. Hadley commended the Police Department in the actions that they took at Ferguson Middle School; the incident was contained and settled before most of the parents knew the school was in shut down.

Mrs. Howard wished everyone a Happy New Year and thanked Council and Staff for a wonderful 2008.

Executive Session

Mr. Petrak MOVED to enter into Executive Session at 8:13 p.m., pursuant to Section 121.22 of the Ohio Revised Code, for the purpose of consideration of appointment, employment and compensation of a public employee and official, conference with the city attorney concerning disputes involving the City that are subject to pending or imminent court action and the purchase of property for public purposes. Seconded by Mrs. Howard it was passed by roll call vote of 6 to 0.

Vice Mayor Giambrone MOVED to adjourn Executive Session, seconded by Mrs. Howard it was approved by roll call vote of 6 to 0.

Mr. Leonard MOVED to adjourn the meeting, seconded by Mr. Petrak. The motion PASSED by unanimous voice vote.

Mayor Vann

ATTEST:

Clerk

Cmin011209