

BEAVERCREEK CITY COUNCIL  
REGULAR MEETING February 23, 2009 6:00 p.m.

Mayor Vann swore in the newest Council Member Brian Jarvis.

Mayor Vann presented a Proclamation to Mr. Tom Fodor of the American Red Cross.

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

ABSENT:

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

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

Mrs. Howard 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 February 9, 2009, seconded by Mrs. Howard the Motion PASSED by unanimous voice vote.

PRESCHEDULED SPEAKERS

Waste Management Curbside Service Changes

Mr. John Minear stated that they have had to reevaluate the costs for the trash pick up in the City of Beavercreek with the changes in the economy. They have decided to do away with the yellow bag program which had included recycling. A new program for low volume trash and recycling will be available with a 35-gallon cart at a price of \$11.10 per month and recycling at a cost of \$4.75 per month and the combined cost is \$15.85, senior citizens aged 60 or older are eligible to receive an additional 15% discount.

Vice Mayor Giambrone was concerned that they were discouraging people from recycling. Mr. Minear stated that they separate the costs because some people take the recycling directly to the county facilities. He stated that the commodities market is the worst it's been in years which has caused a higher charge for recycling, and they will continue to process the recycling and not send it to the landfill.

Vice Mayor Giambrone stated that everyone added fuel costs to the billing last year when the gas went up considerable but when the costs went down the surcharge did not go away, why has that cost not dropped? Mr. Minear stated that the fuel charge has dropped dramatically since last July; they tie it to The Department of Energy national average for diesel fuel that is published weekly and that the cost has gone down quite a bit on their billing.

Mr. Petrak asked if the glass, paper and metal commodities markets were all down. Mr. Minear stated that they were all down but that aluminum had not dropped as much. Mr. Petrak stated that the people that were using the yellow bag program had purchased months worth of bags and wanted to return them and no one would take them back. Mr. Minear stated that he personally met with Lofinos and Krogers and made arrangements to buy back whatever bags were returned. These bags can be used until about March 15<sup>th</sup> and the drivers will be hanging reminders on doors to let everyone know that they will no longer be able to use them.

Mayor Vann asked if they will be offering a large closed bin for recycling. Mr. Minear stated that it was going to be started here soon; they have found that the cities double their tonnage of recycling almost immediately with the larger bins.

Mr. Hadley stated that the City had just gone through an exercise to see if a single waste hauler in Beavercreek would be a cost savings for the citizens and found out that it would not. He stated that the prices were less than these new rates and wondered what would have happened if they had a contract. Mr. Minear stated that if they had decided to change the yellow bag system they would have brought it

February 23, 2009

back before Council for approval, otherwise the original contract would still have been in effect. Mr. Hadley also thought they were discouraging recycling. Mr. Minear stated that they were a green company and wanted people to recycle but that they were responsible to their shareholders, people will have to pay for the recycling anyway but they prefer to give them the option of recycling.

Mrs. Howard wanted to speak with Mr. Minear later about the recycling, but she wondered if when they separated the trash from recycling whether they sold it or donated it. Mr. Minear said that it is sold to help cover the cost of the processing facility and that the processing facility charges the hauling company fees because recycling has never paid for itself.

Mr. Leonard asked if they could provide recycling bins throughout the City at the parks. Mr. Minear stated they could do that at a cost. He stated that he was working with the Finance Director to get recycling at the City to reduce the waste cost.

If anyone has questions they can contact Waste Management at 1-800-343-6047 and if there is an immediate issue Mr. Cornell has Mr. Minear's cell phone number and his e-mail address is [jminear@wm.com](mailto:jminear@wm.com).

Appeal A-09-1 PUD 4-80 MOD 12/08 (Minor) McDonalds-Withdrawn by Applicant

Mr. Hadley MOVED to accept the withdrawal of the Appeal by McDonalds, seconded by Mrs. Howard it was approved by unanimous voice vote.

#### PUBLIC HEARING-PC 09-LAND USE PLAN

Clerk Bucheit read for the purpose of addressing an amendment to the City of Beavercreek Land Use Plan. The proposal pertains to various parcels throughout the City to correct misclassifications that occurred when the Land Use Map was converted to a GIS file during the 2007 Land Use Plan Update.

Mr. McGrath stated that staff is proposing to amend the Land Use Plan, approved in 2007, to address some of the classification errors that resulted from changing the format of the Land Use Plan from a CAD file to a more user friendly GIS file. There are eighteen (18) proposed changes which follow.

The first proposed change is the land near the corner of County Line Road and Weber Drive that currently holds the AHEPA Senior Apartments and vacant land for the possible expansion of the existing AHEPA complex shall be changed from an Office designation to High-Density Residential classification. (Exhibit #2)

The second change is to the property west of N. Fairfield Rd., south of Seajay Dr., east of Welford Dr., and north of Grove Hill Drive that shall be changed from Low-Density Residential to a Residential-Office classification and a PDA overlay shall be added. The Beaver Valley Shopping Center and Ford dealership shall be designated as A Planned Development Area. (Exhibit #3)

Another property staff would like to have added is the Lofino Shopping Center PUD and they would like to have a PDA Overlay to this land since the PUD was during Township days. The Hidy Honda property is zoned B-4 and is very visible from U.S. 35 so they would like it to go before Planning Commission and Council for consideration on any redevelopment. This would be a change to Exhibit #3.

The property within PUD 98-9 Willow Creek shall be changed from Medium-Density Residential to Office north of where Park Overlook Drive is currently located outside of the existing condominiums currently located within the development. (Exhibit #4)

Mr. Petrak was concerned about the residential there to make sure that the buffering

February 23, 2009

protected them. Mr. McGrath explained that this area was to be high density residential and that with the office would actually use less of the space and leave more room for buffering. Mr. Leonard stated that it had already been approved for condominiums and wanted to know how long that approval was good. Mr. McGrath stated that there was a five year sunset provision on the specific site plans unless construction has begun. He also stated that the Land Use Plan designations do nothing to impact the existing zoning or site plan approvals on these properties.

The recently annexed property along Colonel Glenn Highway, know as University Park, where there was not a previous Land Use classification, shall be designated as Regional Commercial/Office, an extension of the Land Use category currently found to the east and to the north. (Exhibit #5)

Mr. Hadley wanted to know why the mapped area did not include the parking lot. Mr. McGrath explained that the development was made into a condominium and the white sections were the common area and not recorded as parcels.

The sliver of property along Lillian Lane, near Temple Lane, that is part of the Hindu Temple Property that was classified as Low-Density Residential but surrounded to the north and south by an Office designation shall be changed from Low-Density Residential to Office. (Exhibit #6)

The approximate 3.3 acres of land located along the private street, Lillian Lane on the north side of New-Germany Trebein Road, that fronts along I-675 and is west of the existing Ashton Brook Apartments shall be changed from a High-Density Residential classification to a Regional Commercial/Office designation, currently found to the west within Beaver creek Towne Centre. (Exhibit #7)

The five (5) parcels currently designated as Neighborhood/Community Commercial/Office, south of the retail center and the child care facility at the southwest corner of Kemp and N. Fairfield Road shall be changed to Office to be consistent with the properties currently owned by and associated with the Greene Memorial Hospital development. (Exhibit #8)

The Creekside Trail, south of Dayton-Xenia Road, shall be changed from Neighborhood/Community Commercial/Office to Open Space/Recreation/ Public. (Exhibit #9)

The northwest corner of Hanes and Dayton-Xenia Road shall be changed from Low-Density Residential to Residential Office to be consistent with the current Residential Office classification that surrounds this area to the north and west. (Exhibit #10)

The existing residential properties along the south side of Village Court shall be changed from Office and Residential Office to Low-Density Residential and the PDA overlay shall be removed from those properties. (Exhibit #11)

The residential properties located on the very western edge of the City along Dayton-Xenia Road, just east of the off-ramp from US 35 to Dayton-Xenia Road, along the Riverside/Beaver creek corporate border shall be classified as Residential Office. The property is currently zoned B-2 Community Business District but is being used as a residence and was previously shown as right-of way on the Land Use Map. (Exhibit #12)

The PDA classification, found along the majority of the Dayton-Xenia Road corridor, shall be extended to incorporate the two parcels of land along Grange Hall Road, north of Ken Klare Drive and south of Dayton-Xenia Road, as those two parcels are currently owned by the same entity that owns the Johnson's Upholstery building at the southwest corner of Grange Hall and Dayton-Xenia Road. (Exhibit #13)

February 23, 2009

Mr. Hadley wanted to know why the other three lots north of Ken Klare were not also included for any redevelopment in that block. Mr. McGrath stated that it would make sense to make that change.

The land within Alpha, where the Jeff Schmidt Nissan is currently located, along US 35 shall be changed from Low-Density Residential to Neighborhood/Community Commercial/Office. (Exhibit #14)

The approximate 4.0 acres of land located to the east of the existing Kingswood Forest Condominium development, PUD 88-16, that is currently zoned R-1A shall be changed from a Medium-Density Residential Classification to a Low-Density Residential classification. (Exhibit #15)

The small land area, currently designated as Low-Density Residential, located along Lakeview Drive just south of the Target development shall be changed to Regional Commercial/Office to be consistent with the classification of the area of land to the immediate north. (Exhibit #16)

The PDA designation shall be extended further west along Dayton-Xenia Road, along the north and south side of the road, at the intersection of Rosemeade Dr. and Dayton-Xenia Road to the Overpass of I-675. (Exhibit #17)

The land south of Park Overlook Drive and north of the 9.5 acre park within Willow Creek and the land immediately to the west along the future Park Overlook extension, Buckingham Village and the two lots north of Buckingham Village along Grange Hall Road, shall be changed from Medium and Low-Density Residential to Office. (Exhibit #18)

Mr. McGrath stated that the Land Use Plan is reviewed every five years and will again be reviewed in 2012. He felt that they would better gage some of the more speculative changes in this area after the hospital and some of the BRAC changes and they want to be sure to protect the area for the highest and best uses.

There being no public input the Public Hearing was closed

Mrs. Howard MOVED to approve Ordinance 09-3 and move it to the second and third reading, it was seconded by Mr. Hadley and approved by unanimous voice vote.

#### ORDINANCE, RESOLUTIONS AND PUDS

##### Resolution 09-06 Shovel Ready

Clerk Bucheit read a Resolution authorizing Development Properties Inc. ("DPI") to file an application to the State of Ohio, Department of Development, to support an application for assistance under the Ohio Shovel Ready Sites Program.

Mr. McGrath stated he has drafted a Resolution of Support for the application for Shovel Ready Funds available through the Department of Development of the State of Ohio for the Pentagon Park and Willow Creek area. The money awarded through this grant would be used for the acquisition of land for continued job creation and the further expansion of the professional office development in this area. The passage of this Resolution by the City Council is required for the applicant, Development Properties Inc. ("DPI") a subsidiary of the Dayton Development Coalition, to continue the application process and secure the funds available through the grant.

Mr. Hadley wanted to be sure that the money stayed in Beavercreek if it was awarded and Mr. McGrath reassured him that according to the process that it would.

February 23, 2009

Mrs. Howard wanted to know if there were any matching funds associated with this that the City would be responsible for. Mr. McGrath stated that there was a boiler plate resolution that was changed to remove any language that would suggest that.

Mr. Leonard asked since we would be approving this for a private group would there be other companies out there that would also request other resolutions. Mr. McGrath stated that DPI is acting as the catalyst to bring in the funds and the State wants to be sure that the cities know upfront and support it so they require the resolutions for that reason. Mr. Leonard asked if this was being used to purchase the land not develop the land. Mr. McGrath stated that it was for the purchase of property and what typically happens is in an area like this that is booming where there are a lot of jobs being created is tagged as a "Job Growth Site", and can be turned over immediately for more job growth within Ohio.

Vice Mayor Giambrone MOVED to approve Resolution 09-03, seconded by Mrs. Howard it was approved by unanimous voice vote.

#### LIQUOR LICENSE

Mk Petroleum LLC-Transfer

Chief Turner stated the Ohio Division of Liquor Control sent notification of a request for a records check on the applicants applying for a new liquor permit. The applicants, a Mr. Jeffery and Ms. Jill Van Horne are applying for a D5J liquor permit for VINIFERA LLC, 13 Greene Blvd. (Greene Town Center) Beavercreek, OH 45440, DBA Wine Loft, at the same address. A records check on the applicants revealed no criminal record with this agency or in the State of Ohio. As this is a new business there is no past activity at this location.

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

#### DECISION ITEMS

Appointments to Boards and Commissions

Planning Commission (One Needed)

Mr. Hadley nominated Donald Kruszynski

Mr. Petrak nominated Zach Upton

Mrs. Howard MOVED to close nominations, seconded by Mr. Hadley it was approved by unanimous voice vote.

Donald Kruszynski received six votes, Zach Upton received one.

Vice Mayor Giambrone MOVED to appoint Donald Kruszynski to Planning Commission starting March 1, 2009 till February 28, 2012, seconded by Mr. Petrak it was approved by unanimous voice vote.

Board of Zoning Appeals (One Needed)

Mr. Hadley nominated Zach Upton

Mrs. Howard MOVED to close nominations, seconded by Mr. Hadley it was approved by unanimous voice vote.

Mr. Hadley MOVED to appoint Zach Upton to BZA starting March 1, 2009 till February 28, 2012, seconded by Mr. Jarvis it was approved by unanimous voice vote.

February 23, 2009

Parks Recreation & Culture (Three Needed)

Mr. Petrak nominated Amy Guthrie

Vice Mayor Giambrone nominated Paul Keenan

Mr. Leonard nominated Mitchell Vossler

Mrs. Howard MOVED to close nominations, seconded by Mr. Hadley it was approved by unanimous voice vote.

Mr. Hadley MOVED to appoint Amy Guthrie, Paul Keenan, and Mitchell Vossler to Parks, Recreation and Culture starting March 1, 2009 till February 28, 2012, seconded by Vice Mayor Giambrone it was approved by unanimous voice vote.

Bikeway Advisory Committee (Two Needed)

Mr. Hadley nominated Roger Brislawn

Mr. Hadley nominated Dan Johnson

Mr. Hadley MOVED to appoint Roger Brislawn and Dan Johnson to Bikeway Advisory Committee starting March 1, 2009 till February 28, 2012, seconded by Mrs. Howard it was approved by unanimous voice vote.

Environmental Advisory Committee (Two Needed)

Mrs. Howard nominated Dr. Garry Crosson

Mr. Petrak nominated Adam Redenbaugh

Vice Mayor Giambrone MOVED to close nominations, seconded by Mr. Hadley it was approved by unanimous voice vote.

Vice Mayor Giambrone MOVED to appoint Dr. Garry Crosson and Adam Redenbaugh to Environmental Advisory Committee starting March 1, 2009 till February 28, 2012, seconded by Mr. Hadley it was approved by unanimous voice vote.

Impact Fee Appeals Board (One Needed)

Mr. Hadley nominated Walter Lichtenberg

Mrs. Howard MOVED to close nominations, seconded by Mr. Hadley it was approved by unanimous voice vote.

Mr. Hadley MOVED to appoint Walter Lichtenberg to Impact Fee Appeals Board starting March 1, 2009 till February 28, 2012, seconded by Mr. Jarvis it was approved by unanimous voice vote.

Mr. Jarvis recused himself from the next vote.

Personnel Board (One Needed)

Mr. Hadley nominated Celia Jarvis

February 23, 2009

Mrs. Howard MOVED to close nominations, seconded by Vice Mayor Giambrone it was approved by unanimous voice vote.

Vice Mayor Giambrone MOVED to appoint Celia Jarvis to the Personnel Board starting March 1, 2009 till February 28, 2012, seconded by Mr. Hadley it was approved by unanimous voice vote.

#### CITY MANAGER'S REPORT

Mr. Cornell said that Vice Mayor Giambrone requested that he remind citizens of the snow removal guidelines. Mr. Cornell explained the brine lines on the pavement are a mixture of calcium chloride, liquid salt and water that is sprayed onto the pavement when it is dry to help in the snow removal process and is very cost effective because it is done during normal business hours before the snow event. Mr. Cornell said that the salt trucks are now pre-loaded the night before a snow event so that the drivers may start immediately putting it down when they are called in. He stated that he had received questions from several citizens asking why there had been so much grit used with the salt this year and explained that the ratio was 1 to1 and that the costs had doubled this year on salt and because of the great demand for salt in this area it is in short supply. Mr. Cornell said that they always start with U.S. 35 and the main arterials first then they move to the main roads of plats especially those that are located on hills and then to the internal neighborhoods and cul-de-sacs. If it is going to take a while to get to the cul-de-sacs then contractors are called in to start there.

Vice Mayor Giambrone stated that while there were two or three e-mails from people who were concerned about the process there were another eight to ten e-mails stating how great the Street Department had done clearing the roads.

Mr. Cornell stated there will a joint work session on March 2<sup>nd</sup> at 6:00 p.m. here in the Council chambers with the School Board and there will be a joint work session on Monday March 30 at with the Township at Fire station number one in the basement.

Mrs. Howard was perplexed about why we pay to recycle and when then they sell the materials, she would like to speak to Mr. Minear and debate that.

Mrs. Howard stated that she would not be here at the next Council meeting because she has the opportunity to be going to Australia to attend the Avalon 2009 Air Show with the Air Force Research Laboratories.

Vice Mayor Giambrone congratulated Mr. Brian Jarvis on his appointment to Council and stated that they appreciate his service. She also reported that she had attended the Hunters Ridge Homeowners Association meeting and they wanted her to thank Matthew Funk our Code Enforcement Officer for his good work, he is always responsive to any request that he is given. Vice Mayor Giambrone stated that Mike Thonnerieux had attended their meeting and answered some questions about the bike paths and stated that any homeowners association could request staff to attend their meetings to answer questions.

Vice Mayor Giambrone stated she had attended a meeting with Senator Sherrod Brown on Wright Patterson Air Force 20/20 and spoke to him and twenty contractors about how the City of Beavercreek depends on and would like to expand our relationships with the contractors on the base and that we are here to be good partners. Senator Brown had some good things to say about Beavercreek and spoke about how important it was in terms of location for contractors and others.

Mr. Brian Jarvis stated that this first formal meeting was great and thanked the Mayor for swearing him in.

February 23, 2009

Executive Session

Mr. Petrak MOVED to enter into Executive Session at 7:38 p.m., pursuant to Section 121.22 of the Ohio Revised Code, for the purpose of consideration of a conference with the City Attorney concerning disputes involving the City that are subject to pending or imminent court action. Seconded by Howard it was passed by roll call vote of 7 to 0.

Mr. Jarvis MOVED to adjourn Executive Session, seconded by Mr. Petrak it was approved by roll call vote of 7 to 0.

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

---

Mayor Vann

ATTEST:

---

Clerk

Cmin022309