

BEAVERCREEK CITY COUNCIL
REGULAR MEETING March 9, 2009 6:00 p.m.

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

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

Mr. Petrak MOVED to excuse Mrs. Howard, seconded by Vice Mayor Giambrone it was approved by unanimous voice vote.

Mayor Vann led the pledge and a moment of silence.

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

Mr. Hadley MOVED to approve the minutes for February 17, 2009, seconded by Mr. Leonard the Motion PASSED by unanimous voice vote.

Mr. Petrak MOVED to approve the minutes for February 23, 2009, seconded by Vice Mayor Giambrone the Motion PASSED by unanimous voice vote.

Mr. Hadley MOVED to approve the minutes for March 2, 2009, seconded by Mr. Jarvis the Motion PASSED by unanimous voice vote (Petrak abstain).

PUBLIC HEARING—Z-09-1 Janice Morris

Clerk Bucheit read on an application filed by Janice Morris, 4150 Kemp Road, Beavercreek, OH 45431. The application requests the rezoning of 9.152 acres of land from A-1 Agricultural District to R-1A One-Family Residential District located on the north side of Kemp Road approximately 575 feet east of Wagner Trace Drive further described as Book 1, Page 6, Parcel 4 and 5 on the Greene County Property Tax Atlas.

Mr. Roger Sadler of 1599 N. Central Drive, Beavercreek is representing Janice and Paul Morris and is requesting to rezone two parcels of land from A-1 Agricultural to R-1A One Family Residential and is located on the north side of Kemp Road. They would like to rezone so that they can convey 7/10 of an acre to their daughter to build a house on. The property would be located in the front of the lot and would use the existing drive and there will be an easement for ingress and egress.

Mr. McGrath stated the applicant is requesting to rezone 9.152 acres of land from A-1 Agricultural to R-1A One Family Residential District. The properties in question are located at 4150 and 4170 Kemp Road located north of Aley Church and just east of I-675. The applicant is requesting this rezoning to allow for an additional lot to be created along Kemp Road just west of the principle structure on the approximate 8 acre tract and just south of the existing principal structure located on the 0.499 acre parcel.

The land associated with this application is currently zoned A-1 Agriculture and contains two parcels. The larger of the two parcels is a conforming A-1 parcel, since it exceeds the 5-acre minimum parcel size required for an A-1 District and meets the minimum 250 foot frontage requirement, but the smaller half-acre parcel is a nonconforming lot that was created in the 1960s. There are single-family residential structures located on each parcel owned by the same family. The anticipated additional lot the applicant wants to create would, initially, be created for a residential structure for another member of the same family.

The Land Use Plan calls for this area to be Low-Density Residential which is consistent with this application. The land in question is also located within VPA (Vacant Planned Area) 19 and states the following:

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"VPA 19 is located east of I-675, north along Kemp Road, to the south of the Grangeview plat, and west of the Hillcrest plat. It is one of the largest VPAs in the City. It is designated for low-density development for reasons of poor freeway accessibility, land characteristics, physical edge separation by I-675 and Kemp Road, and compatibility with the adjacent residential plats to the north and east.

Though VPA 19 is mainly accessed by an unimproved minor arterial (Kemp Road) and accessibility is strategically located within three to four major road intersections away from I-675 interchanges, the use designation is considered suitable due to the reasons indicated in the previous paragraph.

"The physical development suitability of VPA 19 is mixed due to the irregular topography, soils, and land cover, however, most of it is rated Better to Best. Several small streams come together near the middle of VPA 19, where there are ponds left from gravel pit excavations. That portion is rated Poor for construction, but the ponds could perhaps serve for plat storm runoff retention as well as be an aesthetic amenity for the entire plat. Although, the creeks on VPA 19, like any creek, can potentially flood, none have designated regulatory floodplains."

The land area in question is surrounded by A-1 Agriculture to the north, east and west and Wagner Trace, an R-PUD, across Kemp Road to the south.

Water is available to the site but there is no public sewer in the area. The applicant will have to meet all the requirements of the Greene County Sanitary Engineer's Office when installing a septic tank and a septic leach field.

There being no public input the Public Hearing was closed.

Mr. Leonard asked if the land to the north could be subdivided. Mr. McGrath stated not unless it is rezoned to an R-PUD and then public access would have to be provided plus there are also frontage requirements when subdividing a piece of property along a public road.

Mr. Jarvis asked if the neighbors would have to be notified and Mr. McGrath stated yes that everyone within 500 ft. were notified for this hearing as well as the Planning Commission hearing.

Mr. Petrak asked Mr. Beach if the drive was in a safe place for line of site. Mr. Beach stated that the picture they had did not represent the final location of the relocated driveway. He stated that when they start the roadway project in about 30 days the driveways in that area will be relocated and perpendicular to the new roadway section and there will be adequate site distance. Kemp Road will be higher and there will be clearing on either side and will be able to see oncoming traffic.

Mr. Hadley MOVED to approve Ordinance 09-4 and move it to the second and third reading, it was seconded by Mr. Leonard and approved by unanimous voice vote.

ORDINANCE, RESOLUTIONS AND PUDS

Ordinance 09-3 Land Use Plan (Second Reading)

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 he had made the changes that were requested by Council at the previous meeting and there is one other consideration that he would like to have made. The area off Grange Hall near Research Park Drive, Apple Valley Business Park has a couple different straight zoning classifications Research and Industrial. Given the character of that area with office and I-1 and RP-1 to ensure

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compatibility he would like to put the PDA overlay on Apple Valley Business Park, if any of the lots are developed they would go through the ASRA process to protect the integrity of the park.

Mr. Petrak asked if he was speaking about all of VPA 52. Mr. McGrath stated that VPA 52 and 53 are RP-1 and would probably go as PUD's but they could be included for consistency.

Mayor Vann asked Mr. McGrath to review why this is coming before Council. Mr. McGrath stated that it had been reviewed in 2005 and adopted in 2007 by Planning Commission and Council. Some of the smaller parcels were not classified correctly when the format was changed from AutoCAD file to a GIS format which is more user friendly and better detailed, there were also corrections pointed out by some citizens.

There being no public input the Public Hearing was closed.

Mr. Leonard asked Mr. McGrath if he had gotten an e-mail from Mr. Mabe who was objecting to the reclassification of number three, the small parcel by Seajay Drive because it is starting to infringe on the residential area. Mr. McGrath stated that it is just a small isolated parcel from when ODOT had redone the Fairfield interchange project and it is a small parcel with a house on it surrounded by the shopping center and is owned by them also. He stated they expect that that lot will be used for something other than residential but will remain in character with residential and would probably be a less intensive office use.

Vice Mayor Giambone asked if this was used for anything other than residential it would have to come back before Planning Commission and Council is that right? Mr. McGrath stated that if it was going to be used for anything other than residential it would come back for the public hearing process and everyone would be notified, it would be a two stage process because it would also have to be rezoned.

Mr. Petrak asked if this came back for an office type use would they be allowed to have a sign on Fairfield Road and where would they access the property. Mr. McGrath stated that it would be at the discretion of the Planning Commission and would probably be a sign that about 15 sq ft. per sign face as in an RO1 which is significantly lower than a commercial district would be allowed. He stated that the access would not be off N. Fairfield, they would try to make sure it is off Seajay Drive or Welford.

Mr. Jarvis asked about the changes that were supposed to be made after the last meeting specifically on number five which should say "east and to the north". Mr. McGrath stated they had not gotten the correct copy and that change was made as well as the addition to number three that adds the Beaver Valley Shopping Center and the Ford dealership shall be designated as a Planned Development Area and number thirteen was changed to five parcels.

This Ordinance will move automatically to the Third Reading.

Resolution 09-07 MVRPC Grant Applications

Clerk Bucheit read a Resolution approving the submission to Miami Valley Regional Planning Commission of an application for funds available through the Federal American Reinvestment and Recovery Act of 2009

Mr. Beach stated that Miami Valley Regional Planning Commission (MVRPC) recently circulated a request for new projects utilizing funding from their anticipated allocation of \$17 million from the American Recovery and Reinvestment Act. These funds will pay for 100% of project construction costs, but projects submitted for funding under this program must meet a tight timeframe for both design and

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construction. Because of these time restrictions only resurfacing, traffic signal, and minor bridge rehabilitation projects are eligible under this program. Staff has evaluated the requirements of these funding programs and has generated eight applications which follow:

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| 1) N. Fairfield Rd. & Dayton –Xenia Rd. Resurfacing Project | \$1,540,000 |
| 2) Colonel Glenn Highway Resurfacing Project | \$ 550,000 |
| 3) Hanes Road Bridge Rehabilitation Project | \$ 231,000 |
| 4) N. Fairfield Road Traffic Signal Reconstruction Project | \$ 935,000 |
| 5) Grange Hall Road Resurfacing Project | \$ 605,000 |
| 6) Creekside Trail Bikeway Resurfacing Project | \$ 220,000 |
| 7) Dayton-Xenia Rd. at Longview Dr. Signal Reconstruction | \$ 121,000 |
| 8) Research Blvd. (SR835) Shoulder Widening Project | \$ 385,000 |

In order to finalize these grant submittals it is necessary for City Council to approval Resolution 09-07.

Vice Mayor Giambone MOVED to approve Resolution 09-7, seconded by Mr. Hadley it was approved by unanimous voice vote.

CITY MANAGER'S REPORT

Mr. Cornell stated that there is an additional list of projects for the Stimulus Funding Project and he had sent a letter out to Governor Strickland last week to make him aware of the City's needs for improvements in infrastructure. There are many areas that the stimulus funding will provide for including transportation, planning and other revitalization projects and they need to decide the parameters and the funding mechanisms, some of the funding will be done on a per capita basis.

Mr. Cornell said there are many other priorities in this community including a corridor study of our main street Dayton-Xenia Road. There are additional needs for infrastructure including a water main project on Research Park Blvd. and projects including bike lane improvements for alternative forms of transportation. Another significant priority is the U.S. 35 Interchange Project to take the last 5 at-grade intersections between Dayton and Charleston West Virginia and make them interchanges. Council as well as many citizens have also commented on the need for a Community Recreation Center which has been included in the list of priority projects for the State and Federal Government.

Mr. Cornell said that there were also some bridge rehabilitation projects, signal reconstruction, shoulder widening and the normal resurfacing of streets. He stated that this additional list is \$46 million dollars in requests and many are components of our Capital Improvements planning process and beyond, however, since we never anticipated this type of program coming from the Federal Government. Mr. Cornell stated that the City is quite aggressive about the infrastructure needs in our community which can be seen with the letter to the governor and the list of projects.

Mr. Beach stated that they had spread out a number of different projects not knowing what type of criteria's there were going to be or what the different types of money were going to come through so that they might meet the needs of the community and also match up with the funding requirements setup through whatever process they come up with on the State and Federal level.

Mr. Cornell stated that the new Senior Center Van which was just received was funded primarily through a grant from the Ohio Department of Transportation. Eighty percent of the funding came from the State and twenty percent local funding, mostly from rider donations as well as some help from the county. The reason the van was needed was because of the increase in one way senior trips which has increased to nearly 8500 in 2008 and has been steadily increasing, with a total mileage of about

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40,000 miles. He thanked Lee Duteil and Krissy Fedkow for their efforts as well as all the volunteers at the Senior Center.

MAYOR'S REPORT

Mayor Vann stated that the Boy Scouts are going to collect food for the food pantries in Greene County because there is such an increased need. They will be going around putting door hangers in the neighborhoods this Saturday and will collect the food next Saturday. The Mayor urged everyone who could to participate because the food bank just can't keep up with the needs of the community.

Mayor Vann stated that she had gone to the Creek Reserve between U.S. 35 and the bike path over the weekend and wanted to everyone to know what a beautiful hidden resource it is in the City.

COUNCIL TIME

Mr. Hadley wished his daughter-in-law a Happy Birthday and his wife Happy Anniversary.

Mr. Leonard said that the volunteers at the Senior Center are very important and make the center a great asset for the community and encouraged the seniors to check it out.

Mr. Leonard stated that he had received an e-mail from an Australian who had visited here and was upset when he did not find any beavers. He requested that anyone who had photos of beaver dens or colonies around Beaver creek to please e-mail him copies at leonard@ci.beavercreek.oh.us.

Mr. Leonard stated that he had drafted a letter to invite other elected officials to attend the Council Meetings and make use of the public access channel but heard there were reservations about sending it.

Vice Mayor Giambrone wanted to know if that had been a request or if this was just a reaching out. She was curious as to how it might be interpreted, she wanted to be sure that the perception and intent are well conveyed.

Vice Mayor Giambrone said that this also brought up a bigger issue; when Council brings up ideas during Council time that they want to speak about further and then leave it to staff to try to interpret what they want. Vice Mayor Giambrone suggested that some sort of process should be written to address these issues giving staff a couple of weeks to get the information. Mr. Leonard agreed with her and stated that there needs to be a clear majority wanting something done before staff gets involved.

Mr. Leonard stated that the letter was initiated because an elected official asked for an invitation to attend Council Meetings, because that individual thought Council would wonder why he was there.

Vice Mayor Giambrone said she just wanted to take another look at it, she thought it should be a longer process. Mr. Petrak agreed that there should be some wait time, they should not just react that night, get four votes and react. Give Council a couple of weeks to think about it and digest it and bring it at the next meeting for a vote.

Mayor Vann stated that this letter to the Greene Co. Commission came up because of the letter sent to the Township and she thinks its' great that we are extending a hand to them. At the same time she did not think it should be an open invitation to put anything on Channel 5, it must be within the guidelines of the administrative code.

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Mr. Petrak thought that the second paragraph first sentence needed to be changed “utilize these capabilities for public interest purposes” to ask for submissions so that it doesn’t sound like we would go over and tape meetings for them.

Mr. Hadley stated he had some reservations but has no problem with the letter going out.

Mr. Jarvis stated he thought it needed some wordsmithing.

Mr. Hadley MOVED to table the discussion for two weeks seconded by Mr. Leonard; it was approved by unanimous voice vote.

Mayor Vann asked Mr. Jarvis if he would mind making changes and he said that he was willing to make the changes.

Vice Mayor Giambrone MOVED to adjourn the meeting at 7:24 p.m. it was seconded by Mr. Leonard. The motion PASSED by unanimous voice vote.

WORK SESSION

Mission Statement

Jane Dockery of Wright State University discussed the idea of a Mission and Vision Statement and how to go about writing one for the City. There was a Visioning group that met in 1994 and another in 2002-03 to work on similar projects. She stated that it is important to be a viable organization so they know what direction they are going so that the energy of the organization flows forward. Jane stated that they can use the information that was compiled during the two previous projects and update it with the information that has been gathered with the Community Survey. Council discussed keeping this topic on the table with added discussion through the end of the year and then putting something together at the retreat.

Mayor Vann

ATTEST:

Clerk
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