

BEAVERCREEK CITY COUNCIL
REGULAR MEETING August 9, 2010 6:00 p.m.

PRESENT: Councilmember Giambone, Councilmember Howard, Councilmember Petrak, Councilmember Vann, Councilmember Wallace, Vice Mayor Jarvis, Mayor Hadley

ABSENT: None

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

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

Councilmember Howard MOVED to approve the agenda removing Item XII, Executive Session. Motion was seconded by Councilmember Vann and PASSED by unanimous voice vote.

Councilmember Howard MOVED to approve the minutes of the July 26, 2010 Regular Meeting with corrections. Motion was seconded by Councilmember Petrak and PASSED by unanimous voice vote.

PUBLIC HEARING-ZONING CODE CHANGES

Clerk Lampton read Ordinance 10-12 amending Chapter 158, by making certain additions and amendments to various sections of the Zoning Code (PC 10-3).

Mr. McGrath brought forth zoning code updates that had been discussed at the previous work session meeting. The updates being brought forth are changes and clarifications to the zoning code rewrites that had been completed in 2009. This will enable a better understanding and interpretation of these codes by citizens, staff, and people doing project developments. The highlights of these changes include the definition of breezeways and additions and regulating the size of a breezeway that can be constructed. The goal is to ensure the intent of an accessory structure and a principle structure are maintained throughout the language of the code. By defining breezeway and regulating the extent of the breezeway construction, we can consider the attachment as part of the principal structure. Mr. McGrath also discussed how they have further stipulated and defined farmer's market. He commented on how they are a great asset to the community, by providing an option for produce that comes directly from the farm. These individuals are permitted to sell produce as long as it is raised on their farm and not purchased from another farm and sold on these lots. Most other changes are minor to be more consistent with the general ordinances as enforced by the police department.

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

Mayor Hadley had a question under the Kennel or Cattery where permitted commercially zoned lot or premises on which four or more dogs, cats or domesticated

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household animals was added. He asked if this meant we allow three animals but as soon as it becomes four or more they would fall under this change.

Mr. McGrath said yes, this was a standard definition for this practice. Four or more is an indication that this is more for commercial practice rather than personal and the permitted commercially zoned is not allowed in a residentially zoned district.

Councilmember Howard stated that they had an opportunity at the work session to go through the changes and wanted to thank Mr. McGrath, Mr. Burkett and the staff for the thoroughness of these updates and stated this rendition was one of the most thorough and easiest to comprehend.

Mr. McGrath stated that since the rewrite was just done in 2009 they wanted to be sure to explain why they needed these changes.

Vice Mayor Jarvis had a question about section 158.129. He asked if changing it to say Farmer's Markets from Outdoor Sales and Display would alter the initial intention to cover something else.

Mr. McGrath stated there had been much discussion regarding this change but nowhere had there been seen any outdoor sales other than farmer's markets. The new definition leaves room for plants and flowers grown on someone's location. It is not limited to produce. Any retail operations with outdoor sales are in PUDs and need specific approval for the duration of the outdoor sale. They are also allowed to have temporary tent sales on a limited basis at those retail establishments.

Vice Mayor Jarvis expressed concern regarding the changes for political signs. He is concerned that there will be a proliferation of signs due to this more lax ordinance.

Mr. McGrath stated it is a trial basis. This was done to hopefully limit the number of signs without regulating residential property. The intent was to allow one 4X4 sign per issue, candidate or opinion and limiting the number of 3X2 signs on the same commercial parcel.

Councilmember Wallace verified temporary sales under farmer's markets of sidewalk sales for retail businesses would fall under the temporary sales of the PUD. She asked if it was not in a PUD then how that be handled.

Mr. McGrath stated it would be seven days.

Councilmember Vann asked what happens if someone puts bikes in their yard for sale.

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Mr. McGrath stated that it is the code enforcement officer's job to be sure it is not on a reoccurring basis so it does not become a home occupation. You are not allowed to have an outdoor display or change the appearance of the neighborhood. If it is a sporadic garage sale, there is an exception. If it becomes something on a perpetual basis then the code enforcement officer will take action and state this is a business pursuing this under the Home Occupational section of the code.

Councilmember Vann asked what a hookah bar is which is allowed in zoning areas of B-2, B-3, and B-4.

Mr. McGrath stated it is more of a Middle Eastern type smoke shop where they have flavored tobacco. They are only permitted under the provisions of the new anti-smoking regulations. There is a legal layer to this that may prohibit this in those districts dependent upon the health department regulations.

Vice Mayor Jarvis MOVED to approve Ordinance 10-12 and send it to second and third reading, seconded by Councilmember Howard. Motion PASSED by unanimous voice vote.

ORDINANCES, RESOLUTIONS, AND PUDS

Ordinance 10-13 Supplement S-24 to Code of Ordinances (Emergency)

Clerk Lampton read an Ordinance enacting and adopting a Supplement to the Code of Ordinances for the City of Beavercreek and Declaring an Emergency.

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

Councilmember Giambrone stated that this is needed to be done in order to be in compliance with state law and this is a regular occurrence.

Mr. McHugh stated this is an annual event that adopts the Ohio Revised Code and any code changes the city has adopted.

Councilmember Giambrone wanted to state to the public that we, as a group, are opposed to emergency ordinances but in this case it is about being in compliance with state law and codes so the police officers can do their job.

Councilmember Howard MOVED to approve Ordinance 10-13 as an emergency, seconded by Councilmember Wallace. Motion PASSED by roll call vote 7-0.

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CITY MANAGER'S REPORT

Mr. Cornell asked Mr. Moorman to give updates on three projects: Dayton-Xenia Road Improvement Project, Indian Ripple Road Project, and the Grange Hall Road Bikeway Project.

Mr. Moorman stated Dayton-Xenia Road is getting the final course of asphalt. He is anticipating this going on through Thursday. Once the pavement is in place stripers will begin to place the final striping. The contractor is working on the south side of Indian Ripple Road. They are trying to finish up some of the curbs and sidewalks as they go. They are trying to do this so they may be able to restore the areas. The Grange hall Road Bikeway extension will begin at the east side of Grange Hall Road beginning at the little parking area along Grange Hall Road to get access to the Creekside Trail and extend all the way to Research Blvd. Work on this should begin in about a week and take a couple of months to complete.

Councilmember Wallace asked if the Grange Hall Road Bikeway Trail will connect with the Miami Valley Bike Path.

Mr. Moorman stated there are future plans to keep taking the bikeway down Grange Hall Road and possibly improving the bridge on Grange Hall Road by Industrial Lane to include provisions for the bike path.

Mr. Cornell stated that City Council has a work session scheduled tonight but wanted to remind citizens that the regular work session will be Monday, August 16, 2010. There will be a significant discussion with the board of Greene CATS and look forward to any citizens that may attend who have interest in the growth of transit in this community. There are other topics that will tentatively follow the Greene CATS discussion. This meeting will start promptly at 5:00 p.m.

Mr. Cornell stated Randy Burkett, City Planner from the Planning & Zoning Department is July's employee of the month.

MAYOR'S REPORT

Mayor Hadley announced that today is his daughter's birthday.

Councilmember Wallace MOVED to adjourn the meeting at 6:24 p.m. seconded by Councilmember Howard. Motion PASSED by unanimous voice vote.

BEAVERCREEK CITY COUNCIL

REGULAR

August 9, 2010

ATTEST:

Mayor Hadley

Dianne Lampton
Clerk of Council
cmin080910

BEAVERCREEK CITY COUNCIL
WORK SESSION, August 9, 2010, Followed Regular Meeting

PRESENT: Councilmember Giambone, Councilmember Howard, Councilmember Petrak, Councilmember Vann, Councilmember Wallace, Vice Mayor Jarvis, Mayor Hadley

Absent: None

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

Councilmember Giambone MOVED to approve the agenda adding Item E. Greene CATS structure. Motion was seconded by Vice Mayor Jarvis and PASSED by unanimous voice vote.

DISCUSSION ITEMS

2009 CAFR External Auditor

Mr. Kucera stated the 2009 Comprehensive Annual Financial Report has been published and sent to the state and invited Mr. Kevin Vaughn, audit manager from Plattenburg, to review the Single Audit Report and the Management Letter for 2009.

Mr. Vaughn pointed out that they did not identify any deficiencies within the internal control over financial reporting. The results of their tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

Mr. Vaughn recommended that the City comply with the Ohio Revised Code by reviewing purchasing procedures with applicable personnel to ensure that all expenditures have a certified purchase order prior to making a purchase. He stated that this is a very common in most governments and is something to work on in the future.

Second Quarter Financial Summary

Mr. Kucera supplied Council with a detailed report of the second quarter. He discussed several areas in the major funds, noting that most of the funds are operating within the budget. Mr. Kucera stated there are no significant concerns or significant unanticipated expenditures. No significant changes in financial policies or procedures are considered necessary at this time.

Repeal Resolutions 07-19, 07-20 and 07-30 Regarding Petty Cash, Purchasing, and Travel

Ms. Hathaway discussed repealing these resolutions, converting them into Administrative Memorandums and placing them in a two year review cycle with other major policies and procedures. This would avoid having to repeal and replace these policies with new resolutions when a change was needed.

After discussion, Council agreed there should be a resolution to repeal Resolutions 07-19, 07-20, and 07-30.

TIF Bond Structure Discussion

Mr. McGrath discussed the Mission Point TIF Debt Service Alternatives. He presented three bond proposals with different levels of risk and exposure to the City. He explained the differences between the three. There was discussion about the different risk factors involved with each of the options and the comfort levels in taking any of these risks with Miller Valentine.

Mr. McGrath is going to do an analysis of Miller Valentine's finances and compile a fact sheet for council and the general public to have available.

Greene CATS Structure

Council discussed what topics to address during the joint work session meeting with Greene CATS. They concluded that they would show the results of the survey as it pertains to this issue, discuss the bus stop requirements, and to also possibly discuss the timeline. It was decided that Mr. Cornell would be the presenter during this portion of the work session.

Councilmember Wallace MOVED adjournment at 8:32 p.m., seconded by Councilmember Vann. Motion was passed by unanimous voice vote.

Mayor Hadley

ATTEST:

Dianne Lampton
Clerk of Council
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