

BEAVERCREEK CITY COUNCIL  
REGULAR MEETING March 27, 2017 6:00 p.m.

**PROCLAMATIONS**

- ◆ Volunteer Month, Chris and Bob Skebo
- ◆ Year of the Trail, Laura Rea, Bikeway and Non-Motorized Transportation Advisory Board

**INTRODUCTION**

- ◆ Todd Brandenburg, Public Service Supervisor

**CALL TO ORDER**

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

PRESENT: Council Member Jarvis, Council Member Litteral, Council Member Upton, Council Member Wallace, Council Member Whilding, Vice Mayor Vann, Mayor Stone

ABSENT: None

TARDY: None

ALSO IN ATTENDANCE: Todd Brandenburg, Public Service Supervisor; Dennis Evers, Chief of Police; Bill Kucera, Financial Administrative Services Director; Dianne Lampton, Clerk of Council; Pete Landrum, City Manager; Jeff McGrath, Planning & Zoning Director; Steve McHugh, Legal Counsel; Jeff Moorman, City Engineer

**PLEDGE**

Council Member Wallace led the pledge and a prayer.

**APPROVAL OF AGENDA**

Council Member Upton MOVED to approve the agenda, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

**APPROVAL OF MINUTES**

Council Member Litteral MOVED to approve the March 13, 2017 Regular Meeting Minutes, seconded by Council Member Wallace. Motion PASSED by majority voice vote.

**PRE-SCHEDULED PRESENTER**

Cycling Summit, Laura Estandia, Executive Director, Bike Miami Valley

March 27, 2017

Ms. Estandia explained the Bike Miami Valley hosts a bi-annual event called the Miami Valley Cycling Summit which will be in Greene County this year. It will be held on Mayo 5<sup>th</sup> at Wright State University. She said this was an all-day free event to talk about ways to leverage the regional trail assets as an economic development tool for the local communities. She said the City of Beavercreek Park's Department is a sponsor and also appreciate their volunteer time. She said the first 300 registered receive a goody bag and a free lunch. She said the keynote speaker would be Aparna Dial who will talk about smart city's grants. She said you can register at [www.CyclingSummit.com](http://www.CyclingSummit.com).

### **ORDINANCES, RESOLUTIONS AND PUDS**

#### **Ordinance 17-04 Approval of Employee Manual Revisions (Third Reading)**

Clerk Lampton read an Ordinance repealing current personnel rules and regulations and adopting new personnel rules and regulations for the City of Beavercreek.

Council Member Litteral MOVED to approve Ordinance 17-04, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

#### **Resolution 17-09 Small Cell Tower Litigation**

Clerk Lampton read a Resolution by the Beavercreek City Council authorizing the City Manager to take all steps necessary to challenge Senate Bill 331.

Mr. McHugh explained there was discussion regarding this at the last work session. He said he had spoken with the lead counsel for the group of cities out of central and western Ohio including Columbus, Dayton and about 50 others. He said they are willing to accept the amount of \$6,000 with no additional costs. He said if this passes he will revise the contract with regards to the cost. He said there is an injunction hearing on March 31<sup>st</sup>.

Mayor Stone questioned per the discussion at the last meeting do they want to fund this. He said this was not in the budget. He said one of the concerns at the last meeting was do we want to fund this and would there be additional funding requests. He said Mr. McHugh has secured that there will be no further funding requests.

Council Member Upton asked if there was a chance the cost would be less. Mr. McHugh said it was possible. Mayor Stone said there was a provision for a refund.

Vice Mayor Vann said the whole goal of this is to have local control over placement of the cell towers because the legislation took away those controls.

March 27, 2017

Mr. McHugh said these small cells are going to exist but there is a desire to have some input. He said currently the cities do not have input and the goal is to create a statutory system that will make sense. He said they are needed but the goal is that everybody have some say.

Council Member Jarvis said Senate Bill 331 takes authority away from local elected officials and hands it over to utility companies. He said this has to do with the placement and zoning which are things we normally do. He said he fully supports this initiative.

Council Member Wallace MOVED to approve Resolution 17-09, seconded by Council Member Jarvis. Motion PASSED by majority voice vote.

**Ordinance 17-05 Additional Appropriations**

Clerk Lampton read an Ordinance to approve supplemental appropriations and certify additional revenue for the fiscal year beginning January 1, 2017 and ending December 31, 2017 and to amend Ordinance 16-37.

Mr. Kucera explained there were two items on the appropriations. The first was the item that was just discussed which was the appropriation for \$6,000 for the challenge of Ohio Senate Bill 331. The second item was for repairs to the salt truck that was engulfed by a sink hole. He said a claim had been submitted to the insurance company and the amount was paid back to the City minus the deductible.

Vice Mayor Vann MOVED to approve Ordinance 17-05, seconded by Council Member Litteral. Motion PASSED by roll call vote of 7-0.

**Resolution 17-08 Employee Deferred Compensation Option**

Clerk Lampton read a Resolution by the Beaver Creek City Council authorizing the City Manager to enter into amended 457 deferred compensation agreements to include a Roth option.

Mr. Kucera explained in 1984 the City developed the deferred compensation program through the Ohio Deferred Compensation Board. He said this allowed for pre-taxed contributions for the benefit of the employees. He said they later picked up ICMA, ING which is now VOYA which gives employees three options of participating in a pre-tax retirement plan. He said last year Senate Bill 220 was passed which allowed a Roth option to those particular plans. He said this is amendments to the City's deferred compensation plan.

March 27, 2017

Mayor Stone confirmed this was a tool for the employee and not something the City was matching. Mr. Kucera said that was correct.

Council Member Wallace asked if there was something with the plan sponsors that is a caveat for the employee to make sure they recognize that the Roth is not a tax deductible vehicle. She also said there was certain limits that can be put in a Roth versus the deferred compensation. She asked if they were looking at those plan sponsors to make sure they identify to the employee if they are over-contributing and there is a notice that goes out. She wanted to make sure this is happening so that we don't taint that entire plan if somebody over-contributes. Mr. Kucera said the plan documents that the city does would be amended. He said they planned on educating the employees about those options and the vendors will come in and explain it. He said there was a brown bag lunch planned with ICMA the first week of April where the employees will be provided the education related to this other option. Council Member Wallace suggested the City have documents the employees sign off on to prove they heard the educational process and are aware of the liabilities and limitations that liability does not come back to the City of Beavercreek. She also suggested to make sure there are some safety features in the computer software to prevent over-contributing. Mr. Kucera said with ICMA there is a form the employee has to sign to contribute to the process. He said those parameters are already in there and the employee signs the form acknowledging that they understand. He said the brochures emphasize this issue.

Council Member Wallace MOVED to approve Resolution 17-08, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

#### **CITY MANAGER'S REPORT**

Mr. Landrum said the Spicer Heights Park is closed and construction has started to remove the old equipment. The resurfacing of Col. Glenn Hwy will begin next week. Council's next meeting on April 10<sup>th</sup> will be a work session starting at 6:00 p.m. followed by a work session on April 17<sup>th</sup> and a regular meeting on April 24<sup>th</sup>.

#### **MAYOR'S REPORT**

Mayor Stone said Council received the Fairborn Municipal Court's annual summary in the mail. AAA will be having a ribbon cutting on Friday, April 14<sup>th</sup> at 11:30 a.m.

#### **COUNCIL TIME**

Council Member Litteral said the Cycling Summit is a free event on Friday, May 5<sup>th</sup>. The Family Violence Prevention Center will be hosting their Uncommon Affair fundraiser on May 5<sup>th</sup>.

March 27, 2017

Council Member Wallace thanked the Beaver Creek Board of Education and Paul Otten for the addition of the marching band to the 4<sup>th</sup> of July Parade. The Beaver Creek Women's League is soliciting grant requests for any 501(c)3 organizations that would need money to fund a project. Grant requests need to be received by April 1<sup>st</sup>.

Council Member Jarvis reviewed the employee anniversaries. Congratulations to everyone.

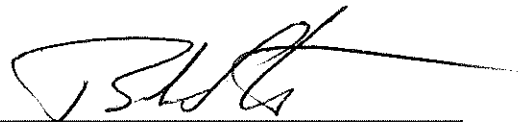
Council Member Whilding said it was spring break and asked everyone to watch to children playing.

**CITIZEN COMMENTS**

There being no citizen comments, citizen comments was closed.

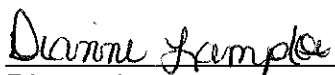
**ADJOURNMENT**

Council Member Jarvis MOVED to adjourn the meeting at 6:42 p.m., seconded by Council Member Whilding. Motion PASSED by majority voice vote.



Bob Stone, Mayor

ATTEST:

  
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Dianne Lampton  
Clerk of Council  
Cmin032717

