

BEAVERCREEK CITY COUNCIL
REGULAR MEETING April 24, 2017 6:00 p.m.

PRESENTATIONS

- ◆ UES Fourth of July Donation, Ruth Carpenter, Administrative Services Manager

INTRODUCTION

- ◆ Officer Michael Garman

CALL TO ORDER

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

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

ABSENT: Council Member Jarvis, Council Member Upton

TARDY: None

Council Member Litteral MOVED to excuse Council Member Jarvis and Council Member Upton, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

ALSO IN ATTENDANCE: 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; Nick Smith, Assistant City Engineer

PLEDGE

Mayor Stone led the pledge and a moment of silence.

APPROVAL OF AGENDA

Council Member Litteral MOVED to approve the agenda, seconded by Council Member Wallace. Motion PASSED by majority voice vote.

APPROVAL OF MINUTES

Council Member Wallace MOVED to approve the March 27, 2017 Regular Meeting Minutes, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

Council Member Litteral MOVED to approve the April 10, 2017 Work Session Minutes, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

April 24, 2017

ORDINANCES, RESOLUTIONS AND PUDS

Ordinance 17-06 Additional Appropriations (Single Reading)

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 Ordinances 16-37 and 17-05.

Mr. Kucera explained this Ordinance was additional appropriations and certifying revenue for the current budget. He said the appropriations was for the street levy fund where the homeowners association from Tara Estates approached the City to upgrade 1,200 linear feet of existing asphalt path that is in poor condition located on the south side of Shakertown Road between Southern Belle and Greystone Drive. He said the City elected to complete this as part of the replacement program and the HOA agreed to pay 50% of the repairs and replacement. He said the amount is \$26,715. The next item was regarding the Regional Emergency Response Team (RERT) which is an organization the City is a member of along with Fairborn, Huber Heights and Vandalia. He said this is for critical incidences that are better handled and resolved by officers with specialized training in tactics and negotiations. He said they are the lead agency as Beavercreek is the largest member of this team. He said the budget for this organization was not approved until January so the approved budgeted revenue and expenditures must be appropriated for this year.

Council Member Litteral MOVED to approve Ordinance 17-06, seconded by Vice Mayor Vann. Motion PASSED by a roll call vote of 5-0.

Resolution 17-10 DARE Grant

Clerk Lampton read a Resolution authorizing the Police Department to apply for Ohio Attorney General's Drug Use Prevention (D.A.R.E.) Grants Program Funding.

Chief Evers said this was the 2017-18 DARE Grant. He said this Resolution allows to apply for the state grant for monies to be applied to the DARE Officers salary during the school year. He said the grant is through the Ohio Attorney General's Office and if approved it will cover approximately 50% of the salary for the nine months of school which is approximately \$27,348.23 during the 2017-2018 school year. He said the DARE Officer teaches approximately 600 students per year.

Council Member Litteral MOVED to approve Resolution 17-10, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

April 24, 2017

Resolution 17-11 2017 Resurfacing Program Cooperation Agreement with County Engineer

Clerk Lampton read a Resolution authorizing the City Manager to enter into an agreement with the Greene County Engineer for the project known as the Collective Paving for 2017.

Mr. Smith explained the City bids the annual resurfacing program through the Greene County Collective Bidding Program. He said this allows to obtain lower prices for surfacing to maximize the number of streets to pave within one year. He explained before the passage of the last levy they were able to pave six linear miles per year which was a 42 year cycle for paving. He said with the passage of the levy in 2014, they are able to pave 12 linear miles which is a 21 year cycle which is the life of pavement under normal conditions. He said in 2015 they were able to pave 13.94 miles and 2016 was 15.32 miles, the largest to date. He explained the success was because of the prices for asphalt obtained in those two years. He said if asphalt prices remain low they will be ahead of what was promised with this levy. He said the prices this year are lower than what they were for the last two years. He said this year the base program is 10.82 miles. He said they are looking at adding additional streets from the alternate list to be included on the base list for this year.

Vice Mayor Vann asked what they were doing with the streets when they are repaving them. Mr. Smith explained it was based on the evaluation of the street and what was needed as far as repairs. Vice Mayor Vann said the costs could be different. Mr. Smith said the costs are included with what is sent to the County. Vice Mayor Vann said in her research the best practice was to put a surface coating on streets once every 12 years so that you wouldn't have to do the milling and the rebuilding of the street because you have protected the surface. Mr. Smith said for the curbed streets there is a fixed height so there cannot be additional pavement height added to it. He said it would have to be milled out. Vice Mayor Vann said she did not know the administrative policy for making these choices and there are different choices that are available. She said even though she was likely to approve this tonight, she thought City Council needed to choose to have a voice in that policy of choosing streets. Mr. Smith explained the streets were chosen by a pavement condition rating. He said all the streets are re-evaluated every five years. He said there is a street database with the conditions of all the pavements. He said the streets with the worst pavement condition rating are looked at again and re-evaluated. Vice Mayor Vann asked if this policy was in writing. Mr. Moorman verified the question was how they pick the streets. Vice Mayor Vann said she wanted to be sure that as policy makers that they are involved in the policy of how the streets are maintained. She said she hasn't seen that policy for a long time. Mr. Moorman said he welcomes input and was more than happy to share

April 24, 2017

the list. He explained they develop a preliminary list which is shared with the City Manager. He said the list is typically bigger than what they can normally do and it is tailored down to fit the money that is available. He said the database is updated with the new developments and as streets are repaved. He said it is the tool they use to identify the streets that are in the most need of resurfacing. He said Mr. Smith drives 25-30 miles of street each year to get an eyes on view of what is going on with the streets. He said this how they pair down the list. Vice Mayor Vann said she is not walking her dog five miles a day anymore but there are a lot of streets in Beavercreek that need attention. She said she wasn't sure if they were keeping up with what would be the best practice to keep up with them. She liked the quality of Beavercreek to be good quality and wanted to make sure that they were sustaining that good quality instead of letting streets deteriorate. Mr. Moorman said they share that goal. He explained prior to the levy the funding for repaving was much less than it currently is and they were doing far fewer streets. He said since the passage of the last levy they have more than doubled their efforts. He said at the end of this levy cycle everybody is going to notice a large difference between where they started and where they ended.

Council Member Litteral commended their efforts. She asked how much input from the citizens when they call regarding street conditions. She asked if they were going out and taking those calls into consideration. Mr. Smith said he keeps a complaint log to verify with when he evaluates the streets. He said usually there is an issue with the street and will adjust the database. Council Member Litteral asked if every street in the city was in the database. Mr. Smith replied that every public street was in the database.

Vice Mayor Vann asked if all the water culverts and storm water was included in the database too. Mr. Moorman explained they have a culvert inventory which has not been updated in quite a while. He said the policy on culverts is as they fail they have a contractor replace it or have public service do the necessary repairs. He said there is not proactive program to inspect and replace culverts.

Council Member Litteral said that was because they have never had the funding to do so. Mr. Moorman said that was correct.

Mayor Stone said the last year the County did some resurfacing that they put on some of the roads. He asked if that was a practice that was not generally done on municipal streets. Mr. Moorman said there was a couple of products you can use after you resurface. He said if you spend additional money it would help seal up the asphalt a little bit better which theoretically prolongs the life of the asphalt. He said it is an extra product that could be put down on the street a couple years after the resurfacing that would seal up the cracks and get a better longevity. He said

April 24, 2017

you're playing off the number of years you would resurface versus the expense of that product a couple years after the fact. He said a lot of cities that do not have a well-funded resurfacing program will use this product to get by with this cheaper product.

Council Member Wallace thanked the citizens again for passing this levy and are able to almost triple the street improvement efforts. She said these are levy dollars at work.

Council Member Wallace MOVED to approve Resolution 17-11, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

Resolution 17-12 Authorizing Participation in Ohio Department of Natural Resources (ODNR) Grant Application

Clerk Lampton read a Resolution authorizing participation in the submission of an application submitted by Beaver Creek Township for FY 2017 Nature Works Grant.

Mr. Thonnerieux explained Beaver Creek Township was submitting an application for a Nature works grant for a new playground at Rotary Park. He said they had requested the City to participate in the program with them. He said the playground was 20 years old and was in desperate need of repair and replacement. He said parts and repair were becoming costly for the structure and was becoming a liability. He said it was in the long term interest of the City as they look towards the future that they participate in this grant program. He said the Township had submitted the application and have a local match of \$13,000 and asked if the City would participate as partners and contribute \$13,000 as well. He said notification of the grant would be in the fall and if successful, the City would be able to budget this in the 2018 budget. He said they were comfortable in maintaining the 15% fund balance and incorporate this into the capital program and meet all the capital requirements they was made during the levy process. Mr. Thonnerieux said there were 91 reservations at the picnic shelter adjacent to the playground and 391 youth participate in the summer camp which housed out of the shelter and utilizes the playground as part of extended play. He said the decks on the playground are showing wear, the metal is rusting and replacement parts are getting harder to find. He said they would follow the process as they have with the other playground improvements by getting public input. He said they were proposing to increase the ADA accessibility to create walkways to gain access from the restroom facilities, to the road and to the picnic shelter.

Council Member Litteral said this was a great opportunity to collaborate with the Township although it was a little pricey. She said in order to have a great community like they do parks are a part of that. She said when somebody goes to

April 24, 2017

a Township park or a City park, they don't know whose park it is. They just know it's a park and part of our community. She said she was inclined to support this opportunity and liked collaboration and the opportunity to work with the grant structure. She said grants are extremely important for funding communities.

Mayor Stone asked what the total amount of the grant was. Mr. Thonnerieux replied it was \$57,000. Mayor Stone said minus the \$26,000 so it's a 50% grant. He asked if Council passed this would they be obligated to take the grant if it was awarded. Mr. Thonnerieux explained the grant was with the Township and they would have to accept the grant and the City was committing the \$13,000 if the Township accepted the grant. He said the City is a partner in the project and the lead agency is Beaver Creek Township. Mayor Stone said the concern was they were looking at a potential new park that will need money invested in it. He said Mr. Thonnerieux commented that the \$13,000 would still allow us to be within the 15% fund balance which they were trying to get up to 20%. He said the question was can they afford it.

Council Member Wallace said the MVRPC, with their new program, was looking into helping the City. She said she felt strongly towards the collaboration with the Township. She said this was an ODNR grant and not a MVRPV grant so there was other pots of money available. She said she was hoping if they got this new adventure there may be private participation.

Council Member Litteral asked if the Township had approached the County because they have 50% reserves they are carrying over. She thought they may participate if they felt so inclined.

Vice Mayor Vann said this was not a County park and asked if this park was in the City but owned by the Township. Mr. Thonnerieux replied yes. She said we do the maintenance for the park and this park will have 200,000 kids visit every single year. Her complaint was it was not enough. She said this is a real opportunity to replace this playground which is always being used. She said it was very important to support the renovation.

Mr. Landrum said in the five year capital, they were using capital dollars that was originally budgeted to replace the playground that burned. He said that money was never utilized along with \$40,000 that was donated by a non-profit. He said it was around \$100,000 that did not come out of the capital plan that was originally budgeted. He said the \$13,000 would come out of the money that was not spent.

Mayor Stone said that helps a lot. He wanted staff to keep in mind the 15% was not where they want to be.

April 24, 2017

Council Member Whilding asked this money could come from the general fund if it was appropriate. Mr. Thonnerieux said it would be included as a line item in the 2018 budget should the Township be successful in the grant process. He said currently it would likely come out of the 279 Park Fund but nothing is being committed tonight. Council Member Whilding said we take care of what we have and thought there will be a full court press on the other project as a potential for partners. He said he noticed the match was 45% and asked if that was standard for this type of grant. Mr. Thonnerieux explained the ODNR has a pot of money per county. He said there was only \$34,000 in the pot and they were requesting all the money. He said the Township had put their 25% in and exceeded it trying to match some of these additional improvements to it. He said they still wanted to make more improvements because it wasn't quite enough for what this park needed to improve it. He said they would be above and beyond what the grant dollars would allow. Council Member Whilding said if you were to replace that you would have to comply with ADA requirements potentially. He said next year you could apply for funds through MVRPC for accessibility because of the bike path nearby. Mr. Thonnerieux said they could offer that advice to the Township as there were the lead applicant.

Vice Mayor Vann MOVED to approve Resolution 17-12, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

LIQUOR PERMITS

Fun Eats and Drinks, LLC DBA Fox & Hound 65088 (Transfer)

Chief Evers said the Ohio Division of Liquor sent police notification of a request to transfer a D5, D6 liquor permit for Last Call Operating Co 1 Inc., DBA Fox & Hound Pub and Grille, 2661 Fairfield Commons, Beaver Creek, OH 45432 to Fun Eats and Drinks LLC, DBA Fox & Hound 65088, 2661 Fairfield Commons, Beaver Creek, OH 45432. The record checks required by the Ohio Department of Commerce – Division of Liquor Control were conducted on the applicant/shareholders for this application request.

Council Member Litteral MOVED to accept without comment, seconded by Council Member Wallace. Motion PASSED by majority voice vote.

CITY MANAGER'S REPORT

Mr. Landrum said the utility work was underway for the Dayton-Xenia Road Widening Project which should be completed by early summer. There was a drug take back scheduled for Saturday, April 29th from 10:0 a.m. – 2:00 p.m. at the Beaver Creek Police Department. The police department will be hosting an open house on Saturday, May 6th from 11:00 a.m. – 2:00 p.m.

April 24, 2017

MAYOR'S REPORT

Mayor Stone explained that Council Member Jarvis was in Washington, D.C., for the Fly In. He said the Taste of Greene County, held on Sunday, was a success.

COUNCIL TIME

Council Member Litteral thanked the Beavercreek Chamber and all the volunteers that worked at the Taste of Greene County. She said the police open house is always successful and suggested to come early.

Council Member Wallace said the Beavercreek Women's League Luncheon will be held April 29th which raises funds for scholarships. She reminded everyone that Hamvention will be at the Greene County Fairgrounds May 19th-May 21st so be cautious of traffic on U.S. 35.

Vice Mayor Vann voiced to the Council Members that the budget is going to start soon and they had not had their goals and objectives and strategic planning and discussion amongst themselves. She said the Advance for June was cancelled. She wanted to make sure that Council remembers this is still an important thing even though they don't have a date for it. She suggested they work together to figure out a date that would work or otherwise the staff is just going to go ahead and make a budget without us reflecting what we know about what the priorities should maybe be. She said Council listens and talks to a lot of citizens and we are the policy makers and the voices.

CITIZEN COMMENTS

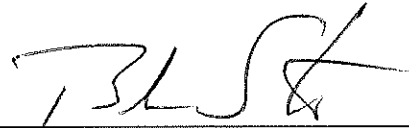
Wayne Davison, Beavercreek, Ohio

Mr. Davison hoped the City would take action to enter into the law suit with some of the other cities in the state in preventing the five micro hertz transmission stations from being placed within the public right-of-ways which could be close to people's houses, walkways and bikeways. He said it is like standing in front of your microwave with the door open. He said if anybody was interested in seeing what this microwave radiation can do you can go to www.naturalblaze.com to read several articles about it. He asked Council to make Beavercreek a non-sanctuary city so our city will not lose out on any government funds that might be available to the city and also our city will become more proactive. He said we won't fall into the situations like several of the cities around the country are. He said several in California come to mind where the city will not participate with the police departments or the federal agency to see if they want to apprehend a criminal. He said it would also prevent the city from getting any federal money. He pleaded with the city to make our city as a designated non-sanctuary city.

April 24, 2017

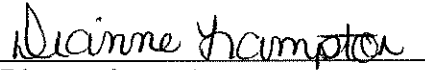
ADJOURNMENT

Council Member Litteral MOVED to adjourn the meeting at 6:58 p.m., seconded by Council Member Wallace. Motion PASSED by majority voice vote.



Bob Stone, Mayor

ATTEST:



Dianne Lampton
Clerk of Council
Cmin042417

April 24, 2017

Brent Nichols 3531 Woodgreen Drive, Beavercreek, OH

Mr. Nichols said he was proposing relaxing the existing accessory structure ordinance. He said when he committed to buying his house in July 2009 the City of Beavercreek allowed all detached structures to total no more than one half the square footage of the footprint of the primary structure regardless of the lot size. He said the 2009 change, as he understood, was due to one or two homeowners who built legal structures on smaller lots which the city viewed as disproportionate to their property. He said the response was to limit the maximum limit for detached structures of 900 square feet regardless of the lot size. He proposed another step be added which was to go back to the 50% rule that served Beavercreek for many years but only with the condition that the 50% rule would only apply to those residents with lots of 21,780 square feet (1/2 acre) or greater. He said this step would continue to prevent the condition that prompted the July 2009 change. He said under the current limits his proposed structure that he is trying to build at 26 feet deep which is a minimum dimension for his usage works out to 34.6 feet wide. He said this was a wasteful dimension for construction. He was asking to take it to about 5 ½ feet larger to an even 40 feet which was much more conducive to construction. He said this would not be 50% for him but it would be enough to allow him to put everything under one roof and behind closed doors for a neat, clean appearance that would agree with the spirit and character of the neighborhood. He said he has a pie shaped lot and considering the structure would be built on the back of the lot, even at 40 feet wide it would be well less than half the width of his lot at its narrowest area of 98 feet. He said it would leave him with lots of lawn and plenty of grass to cut. He said he had a petition with over a dozen neighbors' signatures in support of this. He said they know him well enough to know that it would have a pleasing appearance at all times, he would not infringe on their right to enjoy their property all the while allowing him to enjoy his. He asked Council to consider his proposal which was reasonable, measured and fair. He said this matter was important to him and he has waited a long time for this. He thanked Council for their consideration. He asked what he could do to advance this process and what his next steps were.

Mr. Landrum explained that at this time they were in the process of introducing some zoning changes. He said he had already asked Mr. McGrath to notify him of Planning Commission meeting where these changes would be introduced. He explained this would be the opportunity for Mr. Nickels to speak to the Planning Commission regarding this subject. He said once Planning Commission has reviewed the changes, those changes would come forward to Council which would allow Mr. Nickels to again speak of his proposal during the public hearing.

Citizen comments was closed.