

BEAVERCREEK CITY COUNCIL  
REGULAR MEETING February 8, 2010 6:00 p.m.

PRESENT: Councilmember Giambrone, 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 Giambrone led the pledge and a moment of silence.

Councilmember Howard MOVED to approve the agenda changing IX. A. Liquor License from a Renewal to a Transfer. Motion was seconded by Councilmember Giambrone and was PASSED by unanimous voice vote.

Councilmember Petrak MOVED to approve the minutes of the January 9, 2010 Council Retreat meeting. Motion was seconded by Councilmember Wallace and PASSED by unanimous voice vote.

Vice Mayor Jarvis MOVED to approve the minutes of the January 25, 2010 Regular meeting with changes. Motion was seconded by Councilmember Vann and PASSED by unanimous voice vote.

PRESCHEDULED SPEAKER

Park Board Update – Paul Keenan

Paul Keenan, Chairperson of Park Board, explained they met with Beaver Creek Township Park District Board and discussed some of the challenges they face and some projects they can both work on. The Board also had a meeting with Ed Murrinan from the Greene County Community Foundation to explore how the City could benefit from more involvements with the Greene County Community Foundation. Mr. Keenan discussed an outside duty is Eyes on the Park, which is where board members inspect parks monthly for vandalism or equipment that is in need of repair. He explained they have been involved in a number of events in the City such as the Bike Rodeo, Concerts in the Park, Movie Nights, Fishing Derby, etc. Mr. Keenan said many Council members participated in the volunteer recognition ceremony they had several months ago, and they will have another in April to help recognize National Volunteer Month. He stated they have monthly review meetings, and reviewed the department's budget and goals and objectives. He explained they had several Park Board members participate in the Parks and Recreation Master Plan Committee, and Council will be receiving a presentation on March 1<sup>st</sup>.

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He explained a concern of the Board is future land acquisition. Another concern is the departments wish, desire, and the Boards support to help them get accredited through the Commission for accreditation of Park and Recreation agencies. The final concern is acquiring resources needed to try to meet the desires of the community and the Steering Committee Master Plan recommendations.

#### EXECUTIVE SESSION

Councilmember Petrak MOVED to enter into Executive Session at 6:25 p.m. pursuant to Section 121.22 of the Ohio Revised Code, for the purpose of consideration of preparing for, conducting or reviewing negotiations or bargaining sessions with public employees, seconded by Vice Mayor Jarvis. Motion was PASSED by a roll call vote of 7-0.

Councilmember Petrak MOVED to adjourn Executive Session, seconded by Councilmember Howard. Motion was PASSED by a roll call vote of 7-0.

Councilmember Vann MOVED to reconvene the regular meeting, seconded by Councilmember Giambrone. Motion was PASSED by unanimous voice vote.

#### ORDINANCES, RESOLUTIONS, AND PUDS

Resolution 10-07 Authorizing City Manager to sign FOP Local - Civilian Employees Unit Contract

Clerk Gillaugh read a Resolution authorizing the City Manager to execute a Collective Bargaining Agreement with the Fraternal Order of Police, Lodge #160 – Civilian Employees in the Police Department.

Chief Turner stated Council was reviewing two agreements tonight in regards to contract negotiations that have been ongoing with the City of Beavercreek and members of the Fraternal Order of Police Lodge #160. He explained they had a two year negotiated agreement, which expired on December 31, 2009. Chief Turner said the process began in October 2009, and the bargaining unit included himself, Mr. Kucera, Captain Evers, Mr. McGrath, and Janet Cooper. A vote was taken and the Civilian and Sergeants Units ratified the agreement, which is for a three year period beginning January 1, 2010 through December 31, 2012. He said in the third year, there will be a reopener for wages and healthcare. Chief recommended approval for Resolution 10-07 and Resolution 10-08.

Councilmember Giambrone MOVED to approve Resolution 10-07, seconded by Councilmember Howard. Motion PASSED by a roll call of 7-0.

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Resolution 10-08 Authorizing the City Manager to Sign FOP Local – Police Sergeants Unit Contract

Clerk Gillaugh read a Resolution authorizing the City Manager to execute a Collective Bargaining Agreement with the Fraternal Order of Police, Lodge #160 Sergeants.

Councilmember Vann MOVED to approve Resolution 10-08, seconded by Vice Mayor Jarvis. Motion PASSED by a roll call vote of 7-0.

Resolution 10-09 Authorizing City Manager to Sign CWA Memorandum of Understanding

Clerk Gillaugh read a Resolution authorizing the City Manager to execute a Memorandum of Understanding (MOU) reflecting changes to Article 19 Wages and Article 31 Medical and Dental Insurance of the Collective Bargaining Agreement with the Communication Workers of America/AFL-CIO #4322.

Mr. Beach stated similar to the police contracts, the bargaining unit include himself, Mr. Kucera, and Mr. Thonnerieux. He said CWA is on the second year of a three year contract, with a reopener on wages and healthcare. Mr. Beach explained they are presenting a Resolution for the second year of the contract, and recommended approval.

Councilmember Wallace MOVED to approve Resolution 10-09, seconded by Councilmember Howard. Motion PASSED by a roll call vote of 7-0.

Resolution 10-10 Adopting Pay Schedule for Non-Union Full Time and Temporary and Seasonal Positions

Clerk Gillaugh read a Resolution adopting pay schedule for non-union full time and regular part time classified and non-classified positions and temporary and seasonal positions.

Mr. Kucera explained staff would like to extend the same opportunity for the rest of the general employees. In regards to the healthcare plan, employees will be paying a higher portion of their take home pay for a reduced healthcare plan. Mr. Kucera said the City had a good plan, and had to scale back on some benefits. The pay scales for temporary and seasonal employees were not raised, and requested changing Exhibit C, Grade 901 minimum amount to \$7.30.

Vice Mayor Jarvis MOVED to approve Resolution 10-10 with an amendment, seconded by Councilmember Giambone. Motion PASSED by a roll call vote 7-0.

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Resolution 10-11 Set and Approve the 2010 Salary for Clerk of Council and City Manager

Clerk Gillaugh read a Resolution to set and approve the 2010 Salary for Clerk of Council and City Manager.

Councilmember Giambrone MOVED to approve Resolution 10-11, seconded by Councilmember Wallace. Motion PASSED by a roll call vote of 7-0.

Ordinance 10-01 Amending Section 95-21 Concealed Carry License (Second Reading)

Clerk Gillaugh read an Ordinance amending Ordinance Section 95.21 to permit individuals with concealed carry licenses to carry handguns in public parks located within the City of Beavercreek, Ohio

Councilmember Howard stated at the initial reading, she had voted against the Ordinance primarily as a mother concerned about guns and children. Since that time, several people had contacted her and educated her on what concealed carry weapon entails. She explained with the information she received, she reconsidered her vote and supports this Ordinance.

In public input, Kevin McFawn, 4830 Forest Meadows Court, Cincinnati, OH, questioned if this was being changed because it is unconstitutional according to Ohio case law. Mr. Hadley stated that was correct. Mr. McFawn asked instead of removing the unconstitutional ban itself people that have a concealed carry license are going to be permitted or exempted from the unconstitutional ban rather than removing the entire ban. Mr. McHugh explained a person with a concealed carry will be allowed to have their weapon in the park. Mr. McFawn said in Ohio unlicensed open carry is permitted throughout the state, and questioned if those people will still be prohibited and if so that seemed to him to be in violation. Mr. McHugh said those laws will be enforced by police as deemed appropriate, and that is not being addressed in this Ordinance.

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

Mr. Jarvis thought this was a great idea, and was interested in seeing the outcome of the Supreme Court case in Chicago.

This Ordinance moves automatically to the Third Reading.

#### LIQUOR LICENSES

Rave Cinemas LLC/DBA The Greene 14 Cinema De Lux- Transfer

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Ohio Division of Liquor Control sent police notification of a request to transfer a D5J, D6 liquor permit for National Amusements Inc., DBA The Greene Cinema De Lux, 4489 Glengarry Drive, Beavercreek, OH 45440 to Rave Cinemas LLC, DBA The Greene 14 Cinema De Lux at the same address. Record checks on the applicants revealed no criminal record with this agency or in the State of Ohio.

Councilmember Vann questioned if this request was result of a sale. Mr. McGrath stated it is the result of a sale of the theater along with multiple theaters that National Amusements previously controlled to the Rave organization.

Councilmember Giambrone MOVED to accept without comment, seconded by Councilmember Vann. Motion was PASSED by unanimous voice vote.

#### CITY MANAGER'S REPORT

Mr. Cornell stated the City just finished a significant snow event, and Mr. Brown's staff did a marvelous job this weekend. Mr. Cornell said his staff is ready for the next snow event that is predicted to start tonight/early Tuesday morning.

Mr. Brown explained several days before a snow storm; his staff has been placing brine solution on the roads. He stated it starts working instantly once the snow has begun to fall, and has been very effective. Mr. Brown said when there is a predicted snow, around four to six inches; they have been doing a split shift. He said this means that everyone works 7 a.m. to 4 p.m., then half of the crew stays until midnight and the other half goes home. At 11 p.m. the other half comes in and there is an hour of transition before the first half is sent home to return at 7 a.m. Mr. Brown explained this allows them to keep main streets open, and keep streets through the plats in fair condition. He stated during the day when the sun is out they have the best chance of getting the storm under control and are at full staff.

Mayor Hadley said since the City just finished with one storm, and will be receiving another shortly; there is no reason to put the brine down. Mr. Brown stated that was correct, but there is still some salt residue from the last storm that is similar to the salt brine. He explained they also have a crew coming in at midnight, will have a full staff at 7 a.m., and will do the split shift again if it is needed.

Mayor Hadley questioned how long this storm is expected to last. Mr. Brown stated it is anticipated to be two days, but has heard snow flurries on and off until Saturday.

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Councilmember Wallace stated she came from Cincinnati on Saturday, and the roads were in poor condition until she reached the City of Beavercreek limits where the roads were wet and even some being dry.

Mayor Hadley stated the street crew did an excellent job, and needed to be thanked.

Mr. Cornell congratulated the January Employee of the Month, Mike Hamilton, Head Chef at the Golf Course.

Mr. Cornell stated Monday, February 15<sup>th</sup> is President's Day, and all City of Beavercreek Offices will be closed.

#### MAYOR'S REPORT

Mayor Hadley reminded everyone that February 14<sup>th</sup> is Valentine's Day.

Mayor Hadley stated two weeks ago he requested prayer for Cory Lundy, a high school junior who was involved in a serious car accident. He explained during that time Cory was in a coma, and the prayers have worked because he is no longer in a coma and is recovering. Mayor Hadley said his parents are very grateful for all the support and prayers, and stated they are going to have a fundraiser for him on February 19<sup>th</sup> at the Commons in the high school from 5 p.m. to 9 p.m.

#### COUNCIL TIME

Councilmember Giambrone stated in the Dayton Business Journal there was a regional list about City sizes, and Beavercreek was number four. She explained Beavercreek was one of the only cities that had population growth. Councilmember Giambrone said the City had the fifth largest chamber, and congratulated the chamber.

Councilmember Giambrone congratulated the City on wearing red for National Wear Red Day since February is American Heart Month. She explained cardiovascular diseases including strokes are the nation's number one killer.

Councilmember Giambrone stated February is African American History Month, and felt it was a great time for people to reflect and talk about diversity and the benefits we all gain when we set aside prejudice and fear.

Councilmember Vann stated she was invited to Chris Wagner's Job Summit, which she felt was above and beyond. She explained he brought experts to talk

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about state programs and to make sure the people in the audience understood what the grant programs were.

Councilmember Vann was concerned about articles in the newspapers lately about the Dayton Development Coalition, and how Greene County has not been able to maintain that partnership to provide economic development and increase the opportunities to build partnerships and bring jobs to the region. She felt it is so important that every community in the region have a balance of jobs, commercial development, housing, good schools, etc. Councilmember Vann said Dayton Development Coalition has taken it a step higher than ever before, and was glad that Beavercreek was able to maintain the level of support that the City has.

Councilmember Giambrone agreed with Councilmember Vann, and hoped this topic could be discussed at a work session.

Councilmember Vann said a couple examples are Advanced Technology Intelligence Center and MacAulay Brown that have brought jobs into the community.

Councilmember Vann stated she attended the Greene County Water/Waste Water meeting. She said there was lots of controversy about the increase in rates, and discussed a memo with facts about water rates, sewer rates, and rate calculations that was passed out to Council members. Councilmember Vann explained at the end of the meeting the Commissioners were in agreement to raise rates.

Councilmember Wallace said in the February 1<sup>st</sup> work session, Council heard a presentation about MVRPC Going Places. She stated MVRPC will be holding meetings in Greene County and Montgomery County and recommended residents go and be active participants if they have a vision for the future for their community. She explained lately there have been approximately 25 people per meeting, and encouraged all citizens to attend these meetings so they can express how they want Greene and Montgomery Counties developed in the future.

Councilmember Vann said this is MVRPC's effort to get a master plan together for the whole region, and if anyone wants to participate they can attend those meetings.

Councilmember Petrak stated after the meeting on Monday with Martin Kim, he received a number of documents from Mr. Kim that led up to what he was

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presenting to Council. He said his presentation showed some developable land for the future, and felt that Council needed to be careful because that could have negative impacts on the City of Beavercreek in terms of development. Councilmember Petrak said if the City was to sign up to a Land Use Plan that was similar to what they are showing, in terms of developable land, the City could be hurt in terms of economic growth. He stated people that would be interested in developing could be discouraged if there was no financial support because MVRPC would pull the lever on finances to build infrastructure. He felt Council needed to have a serious discussion about the whole plan and the impacts it could have on Beavercreek and future development of Beavercreek.

Councilmember Giambone agreed with Councilmember Petrak, and was deeply concerned by some of the conversation about tying funding to this plan and steering people to places on this map based on how MVRPC prioritizes it as compared to how a community may prioritize it or how an independent business person who wants to come in and bring jobs. She agreed Council should be very careful.

Councilmember Petrak stated MVRPC asked for a Resolution from Council endorsing Phase I of the study, and needs to be very careful on the words they use before they create the Resolution. He thought Council had until the end of March to work on this Resolution because they are taking public input through the end of March.

Councilmember Howard concurred with comments made by Councilmember Petrak and Councilmember Giambone, but thought this is an attempt to find some regionalism and collaboration. She said the question was raised about how the City works in collaboration but maintains the flexibility to be independent. Councilmember Howard said citizens are able to express their concerns to Council through public hearings on the Land Use Plan on what they want for their community, and then there is the opportunity to share those thoughts with MVRPC on a regional level so we can move towards a collaborative effort. She explained it is concerning when funding is tied to it or when items are prioritized differently than what Council sees. Councilmember Howard agreed Council needs to work through that Ordinance very carefully. She thanked Councilmember Wallace for inviting citizens to attend the MVRPC meetings.

Councilmember Vann said one idea residents could consider when going to these meetings is the density of development. She stated one of the topics Martin Kim talked about was a more compact urban core and insinuated that any additional growth would be urban sprawl. Councilmember Vann explained it is a

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good time for residents to think about what the important qualities are to them and this is the form to present it.

Vice Mayor Jarvis asked Councilmember Vann if there was any mention of having water restrictions for next summer in Beavercreek. Councilmember Vann stated it will not be mandatory, but recommended people be conservative and not wasteful.

Vice Mayor Jarvis said there are five weeks left before Census forms are mailed on March 15<sup>th</sup>. He explained it is very important for citizens to fill out the forms and return them.

Mayor Hadley stated the city benefits from the Census information, and encouraged everyone to fill out the form and mail it in.

Councilmember Howard congratulated the employees with anniversaries in February and thanked them for their services; John Ketzel 22 years, Tracy Crotty 11 years, Mike Hamilton 6 years, Eric Muterspaw 20 years, and Richard Weaver 23 years.

Councilmember Howard stated tonight was General Bedke, Commander of the Air Force Research Laboratory retirement celebration. She thanked him for his service to the community and the Air Force, and stated it was her understanding that General Gabreski will be his replacement.

Councilmember Giambrone MOVED to adjourn the meeting at 7:27 p.m. seconded by Councilmember Howard. Motion was PASSED by unanimous voice vote.

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Mayor Hadley

ATTEST:

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Deputy Clerk  
cmin020810