

BEAVERCREEK CITY COUNCIL
REGULAR MEETING February 28, 2011 6:00 p.m.

PRESENT: Council Member Giambrone, Council Member Howard, Council Member Petrak, Council Member Vann, Vice Mayor Jarvis, Mayor Hadley

ABSENT: Council Member Wallace

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

Council Member Howard MOVED to excuse Council Member Wallace, seconded by Council Member Giambrone. Motion PASSED by unanimous voice vote.

Council Member Vann led the pledge and a moment of silence.

Council Member Howard MOVED to approve the agenda as amended by removing the presentation and adding an executive session after unscheduled speakers. Motion was seconded by Council Member Vann and PASSED by unanimous voice vote.

APPROVAL OF MINUTES

Council Member Giambrone MOVED to approve the minutes of the January 24, 2011 Regular Meeting. Motion was seconded by Vice Mayor Jarvis and PASSED by unanimous voice vote.

ORDINANCES, RESOLUTIONS, AND PUDS

Ordinance 11-01 Approval of Flood Plain (Third Reading)

Clerk Lampton read an Ordinance amending §151 "Special Purpose Flood Damage Reduction" Ordinance for the City of Beavercreek by repealing §151.006 and adopting new §151.006.

Council Member Giambrone MOVED to approve Ordinance 11-01, seconded by Vann. Motion PASSED by unanimous vote.

Resolution 11-05 Electric Generation Supply Agreement

Clerk Lampton read a Resolution authorizing the City Manager to enter into an agreement with DPL Energy Resources (DPLER) for electric generation supply services for the period beginning March 1, 2011, and ending December 31,

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2012.and authorize the City Manager take all steps necessary to implement the agreement.

Mr. Beach explained this agreement presented by Dayton Power and Light Energy Resources was for the electric generation supply portion of the utility bill for City owned facilities. This agreement was part of a negotiation that involved twenty-two cities and municipal organizations in which the Miami Valley Cable Council (MVCC) negotiated on their behalf. He explained this agreement for the period for March 1, 2011 thru December 31, 2012 would provide a new lower fixed rate that would be a savings.

Council Member Howard questioned Mr. Beach how soon the meters would be installed if the Council approved the Resolution. Mr. Beach replied based on the agreement they would be installed within thirty days at the four designated locations.

Mayor Hadley commented the savings would begin within the next month. Mr. Beach stated this was correct.

Vice Mayor Jarvis asked what the difference was between this Resolution and the Ordinance passed regarding the five year lighting contract. Mr. Beach stated the street lighting contract was a franchise for all the street lights in the City of Beavercreek. This Resolution was for the general portion of DP&L and not the street lighting provider. Mr. McHugh explained this Resolution was between the City and DPLER. There was no third party component with respect to this.

Council Member Vann MOVED to approve Resolution 11-05, seconded by Council Member Howard. Motion PASSED by unanimous vote.

Resolution 11-19 Resolution Authorizing the City Manager to Enter into Agreement with the State of Ohio for Estoppel Agreement

Clerk Lampton read a Resolution authorizing the City Manager to execute the Non-disturbance and Estoppel Agreement with the Ohio Cultural Facilities Commission and the agreement between City of Beavercreek and Beavercreek Community Theatre and to authorize the City Manager take all steps necessary to implement both agreements.

Mr. Thonnerieux explained the Beavercreek Community Theatre had received grant funding from the Ohio Cultural Facilities Commission and because the City of Beavercreek owned the theatre, the City needed to enter into a three party

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agreement with the State and the community theatre. This funding received would be used for the replacement of a sign for the front entrance at the center.

Council Member Giambrone MOVED to approve Resolution 11-19, seconded by Council Member Vann. Motion PASSED by unanimous vote.

Resolution 11-23 Grange Hall Road Widening Project

Clerk Lampton read a Resolution authorizing the City Manager to enter into a LPA Federal Project Agreement with the Ohio Department of Transportation for the project known as the Grange Hall Road Widening Project; PID No. 88315.

Mr. Moorman explained the purpose of the attached agreement between ODOT and the City was to define each agency's role in the development of the widening of Grange Hall Road from Kemp Road to Gardenview Drive in which they had received funding approval. The project would involve widening Grange Hall Road to three lanes with a wide shoulder that could be converted into a bike lane and a side path along the east side of the road. Total federal funding would be over \$1.5 million which would be 75% federal funding and 25% local funding.

Vice Mayor Jarvis questioned if there would be paved shoulders with curb and gutters along with storm sewer on both sides of the road. Mr. Moorman replied that was correct.

Council Member Petrak questioned why the road was only being widened to three lanes. Mr. Moorman replied the purpose of the third lane would be for vehicles to use when making a left turn and be out of the main flow of traffic.

Council Member Petrak MOVED to approve Resolution 11-23, seconded by Council Member Howard. Motion PASSED by unanimous vote.

Resolution 11-24 Community Development Block Grant

Clerk Lampton read a Resolution authorizing the City Manager to enter into an agreement with Greene County Board of Commissioners for State of Ohio Small Cities Community Development Block Grant Program Funds and authorize the City Manager to take all steps necessary to implement the agreement.

Mr. Thonnerieux explained they had received Block Grant funds and were now requesting authorization to allow the City Manager to enter into that agreement. The project at Lofino Park would replace the existing dock with a handicap accessible fishing pier. The local match would be \$11,300 with the state match equaling \$30,400.

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Vice Mayor Jarvis MOVED to approve Resolution 11-24, seconded by Council Member Howard. Motion PASSED by unanimous vote.

DECISION ITEMS

Boards and Commissions

Planning Commission (2 Vacancies)

Council Member Giambone moved to open nominations for Planning Commission, seconded by Council Member Howard. Motion PASSED by unanimous voice vote.

Council Member Howard nominated Randall P. Groesbeck. Council Member Petrak nominated Don Gum.

Council Member Giambone MOVED to close nominations, seconded by Council Member Howard. Motion PASSED by unanimous voice vote.

Council Member Petrak MOVED to appoint Randall P. Groesbeck and Don Gum to the Planning Commission for the term March 1, 2011 through February 28, 2014, seconded by Council Member Howard. Motion PASSED by unanimous voice vote.

Board of Zoning Appeals (2 Vacancies)

Council Member Giambone moved to open nominations for Board of Zoning Appeals, seconded by Council Member Howard. Motion PASSED by unanimous voice vote.

Vice Mayor Jarvis nominated David Kastner. Council Member Vann nominated Elizabeth Lias. Council Member Giambone nominated B. Randall Roach.

Council Member Howard MOVED to close nominations, seconded by Council Member Giambone. Motion PASSED by unanimous voice vote.

Vote by show of hands was David Kastner 2, Elizabeth Lias 6, B. Randall Roach 4.

Council Member Giambone MOVED to appoint Elizabeth Lias and B. Randall Roach to the Board of Zoning Appeals for the term March 1, 2011 through

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February 28, 2014, seconded by Council Member Vann. Motion PASSED by unanimous voice vote.

Parks, Recreation & Culture Board (1 Vacancy)

Council Member Giambrone moved to open nominations for Parks, Recreation and Culture Board, seconded by Council Member Howard. Motion PASSED by unanimous voice vote.

Council Member Vann nominated Dan Tipps.

Council Member Howard MOVED to close nominations, seconded by Council Member Giambrone. Motion PASSED by unanimous voice vote.

Council Member Vann MOVED to appoint Dan Tipps to the Parks, Recreation and Culture Board for the term March 1, 2011 through February 28, 2014, seconded by Council Member Howard. Motion PASSED by unanimous voice vote.

Bikeway Advisory Committee (1 Vacancy)

Council Member Giambrone moved to open nominations for Bikeway Advisory Committee, seconded by Vice Mayor Jarvis. Motion PASSED by unanimous voice vote.

Council Member Vann nominated Abe Bassett. Council Member Howard nominated Andrew Harp.

Council Member Giambrone MOVED to close nominations, seconded by Council Member Howard. Motion PASSED by unanimous voice vote.

Vote by show of hands was Abe Bassett 4, Andrew Harp 2.

Council Member Petrak MOVED to appoint Abe Bassett to the Bikeway Advisory Committee for the term March 1, 2011 through February 28, 2014, seconded by Council Member Giambrone. Motion PASSED by unanimous voice vote.

Environmental Advisory Committee (4 Vacancies)

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Council Member Giambrone moved to open nominations for Environmental Advisory Committee, seconded by Council Member Howard. Motion PASSED by unanimous voice vote.

Council Member Giambrone nominated John Koerner. Council Member Howard nominated Deborah Sasser. Vice Mayor Jarvis nominated Thomas Valdes.

Council Member Giambrone MOVED to close nominations, seconded by Council Member Howard. Motion PASSED by unanimous voice vote.

Council Member Giambrone MOVED to appoint John Koerner, Deborah Sasser and Thomas Valdes to the Environmental Advisory Committee for the term March 1, 2011 through February 28, 2014, seconded by Council Member Petrak. Motion PASSED by unanimous voice vote.

Council Member Vann appointed Mark Goetz as an ex officio member to the Environmental Advisory Committee for the term March 1, 2011 through February 28, 2014, seconded by Council Member Petrak. Motion PASSED by unanimous voice vote.

Personnel Board (1 Vacancy)

Council Member Giambrone moved to open nominations for Personnel Board, seconded by Vice Mayor Jarvis. Motion PASSED by unanimous voice vote.

Council Member Giambrone nominated Melissa Litteral.

Council Member Giambrone MOVED to close nominations, seconded by Council Member Petrak. Motion PASSED by unanimous voice vote.

Council Member Giambrone MOVED to appoint Melissa Litteral to the Personnel Board for the term March 1, 2011 through February 28, 2014, seconded by Council Member Howard. Motion PASSED by unanimous voice vote.

Impact Fee Appeals Board (2 Vacancies)

Council Member Giambrone moved to open nominations for Impact Fee Appeals Board seconded by Council Member Howard. Motion PASSED by unanimous voice vote.

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Council Member Giambrone nominated Roderick Perry. Vice Mayor Jarvis nominated Jason Scott.

Council Member Giambrone MOVED to close nominations, seconded by Council Member Howard. Motion PASSED by unanimous voice vote.

Council Member Giambrone MOVED to appoint Roderick Perry and Jason Scott to the Impact Fee Appeals Board for the term March 1, 2011 through February 28, 2014, seconded by Council Member Vann. Motion PASSED by unanimous voice vote.

Council Member Giambrone stated that there was now an understanding of what the Tax Incentive Review Council's responsibilities were and would like to apply and asked if the application period could be extended.

Council Member Howard MOVED to open the application period for another two weeks to accept applications for the Tax Incentive Review Council and make appointments at the next Regular Council Meeting, seconded by Council Member Giambrone. Motion PASSED by unanimous voice vote.

Council Member Petrak commented the applications received were stellar. He said there were unbelievably good people in this community who have cross sections of capabilities and experiences that could fill the boards. He stated it always amazed him when he reviewed applications. It was very hard to pick because the people in Beavercreek were outstanding. He explained he often says he was proud to be from the City of Beavercreek and this was one of those instances. When he saw the applications he thought Beavercreek, you are a great place to live.

Council Member Giambrone said she spoke to someone who stated they could never get enough applications. She stated she responded by replying that was not the case in Beavercreek, we always had plenty.

Mayor Hadley commented the applicants had outstanding qualities and was very pleased to see the people who had applied for the positions. He asked residents to please not stop sending in your applications and do not stop being involved with the City. The City needs the residents' participation and it was great to have it here.

CITY MANAGER'S REPORT

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Mr. Cornell summarized the snow activity had cost \$739,000 for snow removal efforts so far this winter. He stressed that the City relied heavily on the replacement street levy, Issue 8 on the May ballot, to cover the costs for snow removal. The numbers continue to provide a real indication of the cost of the City's efforts toward snow removal. The staff continues to be creative, efficient, and effective in this task. Local funding had been relied on heavily to match the 75-80% federal and state funding that was received for street improvement projects. Mr. Moorman reviewed the projects for 2011: Colonial Glenn Highway at Grange Hall Road, North Fairfield Road at I-675 Northbound On-Ramp, North Fairfield Road at Beaver-Vu Drive Traffic Signal, Kemp Road at Hanes Road Intersection Improvement, Zink Road Extension Project. Mr. Cornell commented that Mr. Moorman and his staff had been very effective at pursuing state and federal grants and also efficient in utilizing local taxpayer dollars. Mr. Cornell stated the City was looking to replace two levies on May 3rd, 2011. Both levies had been approved a number of times. Issue 7, was a replacement of an existing police 3.3 Mills levy with a 0.4 Mills increase. Issue 8, was a replacement of an existing street 1.9 Mills levy with a 0.7 Mills increase. This would be a continuation of the great service that the residents had been provided in the past by the staff. Mr. Cornell reviewed the current costs and projected costs of the levies. The combined increase for both levies would be \$43.76 based on \$100,000 valuation. Mr. Cornell was meeting with the Beaver Creek Chamber of Commerce Tuesday night to speak on the levies and the Beaver Creek Women's League Wednesday morning to speak about the State of the City.

MAYOR'S REPORT

Mayor Hadley explained that the City did need the money to continue the operations that are ongoing within the City of Beaver Creek and asked the citizens to support both levies.

Council Member Petrak stated even with the passage of the levies, there would be some downsizing of personnel and deferral of capital improvements. The levies would be adequate to keep our streets strong and safe but there would be a little bit of hurt. Council recognized taxes were going up and people had less money. Council had done their best.

Mayor Hadley stated there were three girl scouts from Beaver Creek receiving the Gold Award: Alexandra Meyer, Caitlyn Mullins, and Emily Zouck. He congratulated them on their award.

COUNCIL TIME

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Council Member Howard agreed with all the comments by her fellow council members regarding the levies. She supported the hard work that staff had done to come up with the amount and the hard work the council had done to come to an agreement. Council Member Howard asked Mr. Brown to get an update on the debris removal. Mr. Brown stated they were in the third week of removing the debris. He hoped to complete the first round by Monday and start the second round next Tuesday. Mr. Brown reminded everyone to separate anything four inches in diameter or smaller in a separate pile from anything larger and to please cut the branches to a maximum length of four feet. Council Member Howard thanked the staff for picking up the debris and giving her status reports on the progress of the collections. Mayor Hadley questioned if the second collection would take three weeks like the first collection. Mr. Brown replied that it would because they were working this in along with patching and other maintenance duties.

Vice Mayor Jarvis stated he would be posting the levy information on his Facebook page. He expressed his appreciation to Mr. Beach and his staff regarding the electrical supply generation. The collaboration along with the other twenty-one cities had worked well for the City.

Council Member Giambrone explained the bond refinancing that was recently completed saved the City \$298,445. She explained this was an example of the way the staff was always looking for ways to be more efficient and effective. Even though the Council did not like to do emergency ordinances, this one was done because it would save the citizens money. She thanked Mr. Kucera for bringing this information to the Council's attention and thanked Council for doing the emergency ordinance because the City would not have saved this amount had they waited. Council Member Giambrone took a moment to acknowledge Rachel Conley, the Beaver Creek High School graduate, who had been lost in the New Zealand earthquake. Her thoughts and prayers went out to the family.

UNSCHEDULED SPEAKERS

Charlene Bell, DP&L, explained that DP&L was finalizing plans to build a \$3.4 million sub-station on New Germany-Trebein Road west of Beaver Valley Road. DP&L owned the property and the sub-station would help DP&L meet the needs of the increased load they were anticipating. She stated construction would begin the end of this quarter or early second quarter of this year and take approximately one year to complete.

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Council Member Jarvis questioned if there would be any impact to the roadway. Ms. Bell did not have that information at that time. She wanted to make everyone aware there would be construction in that area.

Charlene Bayless, 2422 Patterson Boulevard, Dayton, OH 45409 stated she was in support of the RTA bus stops on Pentagon Boulevard. She explained Beaver Creek residents were Greene County residents and Greene County had built two malls creating businesses. She explained building The Greene had caused other jurisdictions to spend on upgraded infrastructure. There may have been a survey showing that Kettering residents did not want that investment but The Greene was built anyway. Sales at The Greene with the accompanying tax dollars go to Greene County with no dollar benefit to Montgomery County or Kettering. It should be no problem for Greene County or Beaver Creek to have bus service that would allow those that are dependent on public transportation to have access to jobs, education and shopping without having to walk an interstate overpass or without having to make arrangements for a transfer. For the Pentagon Boulevard bus stops, RTA had met the requirements of Beaver Creek Ordinances and had in a response letter following the public hearing showed there were benefits to Beaver Creek for public bus service. She asked the Council's votes reflect the opportunity without question for those who need bus service to Fairfield Commons Mall and this area.

Dr. Brenda Ellis, 421 White Ash Ct., Fairborn, OH 45324 stated she was a professor of music at Wright State University and had lived in Fairborn since 1995. She was at the meeting representing Wright State University. She commented when she first visited the area she noticed there was no public transportation from the university to the mall. She explained she had dealt with thousands of students who had access problems to transportation and she had taken students in her own car to purchase books, go to the doctor, and other things. Dr. Ellis stated she was very conscientious about this decision and was honored to address the topic before Council. She asked the Council to reconsider the vote and to think about the students especially those who were handicapped.

Mr. Ronnie Moreland, 1935 Haverhill Dr. Dayton, OH 45406, stated he represented the Leaders for Equality in Action in Dayton as co-president and was in support of the RTA transit stops. LEAD represented over twenty congregations of people from various walks of life. He explained people needed to teach the younger generations of public servants the benefit of working together to collaborate to improve the quality of life in our region. They supported the transit stops because it was not felt it was an unjust or unsafe

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request. It was also supported because there would be no cost to the City of Beavercreek and it would help future generations know that people could work together for the greater good of the communities. He strongly asked Council to consider the ramifications of saying no and not to plant the seeds for tomorrow.

Council Member Petrak MOVED to enter into Executive Session at 7:50 p.m. pursuant to Section 121.22 of the Ohio Revised Code, conference with city attorney concerning disputes involving the City that are subject to pending or imminent court action, seconded by Council Member Howard. Motion PASSED by a roll call vote of 6-0.

Mayor Hadley stated Council would not be making a decision coming out of executive session.

Council Member Howard MOVED to adjourn executive session at 8:09 p.m., seconded by Council Member Giambrone. Motion PASSED by a roll call vote of 7-0.

Council Member Vann MOVED to reconvene the meeting, seconded by Vice Mayor Jarvis. Motion PASSED by unanimous voice vote.

Council Member Vann MOVED to adjourn the meeting at 8:11 p.m., seconded by Council Member Howard. Motion PASSED by unanimous voice vote.

Scott Hadley, Mayor

ATTEST:

Dianne Lampton
Clerk of Council
Cmin022811