

BEAVERCREEK CITY COUNCIL
REGULAR MEETING March 22, 2010 6:00 p.m.

PRESENT: Councilmember Giambrone, Councilmember Petrak, Councilmember Vann, Councilmember Wallace, Vice Mayor Jarvis, Mayor Hadley

ABSENT: Councilmember Howard

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

Councilmember Giambrone MOVED to excuse Councilmember Howard from the meeting, seconded by Councilmember Petrak. Motion PASSED by unanimous voice vote.

Councilmember Vann led the pledge and a moment of silence.

Councilmember Giambrone MOVED to approve the agenda. Motion was seconded by Councilmember Vann and was PASSED by unanimous voice vote.

Vice Mayor Jarvis MOVED to approve the minutes of the March 1, 2010 Work Session. Motion was seconded by Councilmember Giambrone and PASSED by majority voice vote. (Wallace abstained)

Councilmember Wallace MOVED to approve the minutes of the March 8, 2010 Regular Meeting. Motion was seconded by Councilmember Petrak and PASSED by unanimous voice vote.

PRESCHEDULED SPEAKERS

Family Violence Prevention Center – Donna Sizemore

Donna Sizemore provided Council with several handouts and presented a PowerPoint presentation, which reviewed a summary of 2009 Programs and Services they provided.

ORDINANCES, RESOLUTIONS, AND PUDS

Ordinance 10-03 Amending Section 95.21 Concealed Carry License (Second Reading)

Clerk Gillaugh read an Ordinance repealing current Section 95.21 of the City of Beavercreek Code of Ordinances, entitled "Firearms and Weapons", and adopting new Section 95.21 of the City of Beavercreek Code of Ordinances, entitled "Weapons in Parks", regulating the possession and use of weapons in City parks.

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

This Ordinance will move automatically to the Third Reading.

Ordinance 10-04 Water Booster Station (Second Reading)

Clerk Gillaugh read an Ordinance to declare certain City owned property interests as surplus and to approve the conveyance of a utility easement on City owned property

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generally known as the Beavercreek Golf Club on the south side of New Germany-Trebein Road.

Mr. Beach stated at the last meeting there was a suggestion to add a clause, and said he added a reversion clause to the City of Beavercreek should the facility no longer be needed for the water system.

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

This Ordinance will move automatically to the Third Reading.

Resolution 10-14 Resolution of Necessity Mills Morgan Medical Campus Lighting District

Clerk Gillaugh read a Resolution to proceed with the repair, maintenance, replacement, and providing energy for, and operation of street lighting improvements in the City of Beavercreek, Ohio, and on the street known as Pentagon Boulevard.

Mr. Moorman explained during the approval process for the Mills Morgan Medical Campus project, the Kettering Hospital voluntarily agreed to submit a petition to be assessed for operational and maintenance costs for five existing street lights along the south side of Pentagon Boulevard. He stated this is a two step process, the first step is the passage of the Resolution, and then an Ordinance will have to be passed to make it official.

Mayor Hadley said by the hospital accepting this, the City is not responsible for the cost of operating, repairing, or replacing the lights even though citizens may see City workers working on the lights. Mr. Moorman stated that was correct.

Vice Mayor Jarvis questioned what the term was of the assessment. Mr. Moorman stated it is a perpetual assessment. Vice Mayor Jarvis asked if that was in the Resolution. Mr. Moorman believed it was, but would add it if it was not.

Vice Mayor Jarvis MOVED to approve Resolution 10-14, seconded by Councilmember Petrak. Motion PASSED by majority voice vote. (Giambone abstained)

Ordinance 10-05 Mills Morgan Medical Campus Street Lighting Assessment (First Reading)

Clerk Gillaugh read an Ordinance to proceed with the repair, maintenance, replacement, and providing energy for, and operation of street lighting improvements in the City of Beavercreek, Ohio, and on the street known as Pentagon Boulevard.

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Mr. Moorman stated this is the second piece of legislation that needs to be approved in order for the assessment to be officially assessed to Kettering Medical Hospital property.

Councilmember Wallace MOVED to approve Ordinance 10-05 and to send it to the second and third reading, seconded by Councilmember Petrak. Motion PASSED by majority voice vote. (Giambrone abstained)

CITY MANAGER'S REPORT

Mr. Cornell discussed the importance of Census information to our community. He provided information on who is counted living in a household, and who does not get included in the count.

Mr. Cornell stated in approximately a month the Beavercreek Police Department will be going through the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA). He explained the assessors will arrive in the City on Saturday, April 24th, and there are 464 standards the police department has to meet to maintain their accredited status.

Mr. Cornell stated the March 2010 City of Beavercreek Employee of the Month is Krissi Fedkow. He explained she is the Activities Coordinator at the Senior Center, and she has been with the City since October 31, 2005.

COUNCIL TIME

Councilmember Petrak explained it was brought to his attention that the comments he made at a previous Council meeting about property taxes were misconstrued by some people. He stated he went back and recalculated his property tax comparisons between this year and last year to see what the growth was of the different sectors. His total property tax bill he received earlier this year increased by three percent that included numerous categories that had changes to them. Councilmember Petrak said one item is the Beavercreek Fire Department, ran by the Township Trustees that had a 30% increase in the amount of revenue they are taking in that is over and above what they had in previous years. He stated Greene County, which includes mental health, the hospital, children services, libraries, etc., had a 9% increase due to the levies being passed. Councilmember Petrak explained Beavercreek Schools decreased by two percent; the City, Greene County Vocational School, and Greene Health District had a zero percent change.

Councilmember Petrak stated over the past several weeks he has attended several Greene CATS meetings. He said they held a board meeting on February 24th, and a Programs and Services Subcommittee on March 16th. Councilmember Petrak explained when he would say RTA that referred to Montgomery County Regional Transit Authority

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and when he talked about Greene CATS that was the Greene County system. Mr. Petrak discussed a Resolution that was approved in 1995 and stated last year the Executive Director of Greene CATS came and spoke with Council. The 1995 Council Resolution detailed the position of the City with respect to a public transportation system. That position was reaffirmed last year by Council and sent to the Greene County Commissioners and the Greene CATS Board of Directors. Councilmember Petrak stated there was an extensive countywide survey conducted in 1995 assessing the feelings in Greene County about public transportation. It was unanimous that a fixed route countywide transportation system was not wanted, and residents did not want any connections to the Montgomery County RTA. He said Council has heard two presentations from Greene CATS Executive Director, Rich Schultz about bringing some fixed routes to Beavercreek, and Council explained there is going to be a community wide survey in which the feelings of the citizens will be again assessed about transportation and mass transportation.

Councilmember Petrak stated that at the meeting on the March 24th, Mr. Schultz stated he was going to the City to see what the requirements were for installing bus stops because he was going to go forward with the plan to put bus stops with fixed route service in north Beavercreek in the mall area. The Board gave tacit approval to go forward even though Council has clearly stated concerns about the issue. He said at the March 16th meeting, there was discussion about new bus routes that are planned for Greene County. There is a bus that will be running from Xenia to downtown Dayton, and this bus would stop in Beavercreek. There would be a bus stop somewhere around North Fairfield Road and U.S. 35, possibly a stop or a park and ride in the Lofino Center on Seajay Drive. The connection to downtown Dayton will be to a number of hospitals and other locations, and also to the RTA hub on North Main Street. Councilmember Petrak said there was also talk the bus would stop at East Town Shopping Center.

Somewhat related to this, Councilmember Petrak stated the Montgomery County RTA is trying to install bus stops along Pentagon Boulevard. He felt this was something Council needed to be aware of, and when they see the elected officials to reiterate the position that Council has taken with respect to the bus service. Councilmember Petrak thought the officials should know the City is preparing a survey and Council feels the citizens' desires should be reflected in the outcome.

Councilmember Giambrone questioned if there were Ordinances in place stating they cannot put bus stops on City streets. Mr. McHugh stated there are regulations and a process is in place, and Mr. Beach is working on it. Councilmember Giambrone felt it was unfortunate that a County supported agency, with public funds, would take action without the support of the municipalities and local governments. She said she was a huge advocate of public transit, and explained she has often expressed that if our surveys say this is what the City needs that puts the burden on Council to find out the

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best way to do it. She said it was unfortunate this sounds like someone is trying to make a decision for Beavercreek without Council's support.

Councilmember Vann stated last week Council had a joint meeting with the Beavercreek Township Trustees, and felt the meeting was very productive and the discussions were healthy for the topics that were discussed.

Councilmember Wallace congratulated the C.O.P.P. graduates, and questioned when the next class would begin. Chief Turner explained a class is started when they have enough people interested. He stated there will be information in the next InTouch Magazine and information on the City's website. Chief Turner said they will try to get a class started this summer.

Councilmember Wallace thanked We Care Arts for getting involved in Beavercreek and Greene County. She explained they had a great function last Friday at Hope Hotel for their fundraiser, and would like to see more activity in Greene County for people who need We Care Arts. Councilmember Wallace said We Care Arts is a program that allows individuals with emotional challenges to express themselves through art, and encouraged everyone to become more familiar with the program by visiting their website.

Vice Mayor Jarvis stated several weeks ago there was a request by Google promoting their Google Fiber Network, and questioned if the City submitted any information. Mr. McGrath explained Mr. Kucera attended the meeting downtown, and relayed the information to Planning staff to get a package together meeting the criteria Google requested. He said staff put together a video, and stated there are many areas in the country that applied for this. Mr. McGrath felt staff did everything they could have done to support the application.

Councilmember Vann asked if Google was requesting people email and vote for Dayton. Mr. McGrath said he was not aware of anything in specific, but a website was setup, www.averageandawesome.com and explained all the correspondence would be done through that website.

Vice Mayor Jarvis said in the next several months, Ohio will be approaching the weather season, and asked if there were any lessons learned from the Hurricane Ike activity that the citizens could be informed about. Mr. Cornell stated staff would be happy to provide that update in the future. Councilmember Petrak thought a presentation from DP&L on all the improvements they made over the past year would be beneficial to the citizens.

Vice Mayor Jarvis asked for an update regarding the email Council received about the residence on Kemp Road with the flooding issue in his front yard. Mr. Beach stated he

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and a City inspector went out to the property last Friday. He explained the City had been to the property approximately 14 years ago, and did some intermediate type of project. Mr. Beach said in this weather storm, the leaves had blocked one of the pipes on Kemp Road, so instead of the water going into the storm sewer system it went through his front yard. He explained the property in the rear yard is a continuation of the problem that was found 14 years ago and needs a capital improvement to extend storm sewer about 400 to 500 feet to drain all the yards in the area. Mr. Beach stated staff is preparing a few estimates and different phasing types of construction for this issue that should be completed in the next day or two.

Mayor Hadley said there are houses going down, and buildings going up in Beavercreek. He explained there were three houses demolished on North Fairfield Road to be replaced with a Frisch's restaurant. Mayor Hadley stated the east portion of the Kroger building is starting to be demolished, so they can start construction of the new Kroger store. He said the hospital on Pentagon Boulevard is also starting to be constructed vertically.

EXECUTIVE SESSION

Councilmember Petrak MOVED to enter into Executive Session at 7:08 p.m. pursuant to Section 121.22 of the Ohio Revised Code, for the purpose of consideration of the appointment, employment of a public employee; and conference with the city attorney concerning disputes involving the City that are subject to pending or imminent court action, seconded by Councilmember Wallace. Motion was PASSED by a roll call vote of 6-0.

Councilmember Giambrone MOVED to adjourn Executive Session, seconded by Councilmember Wallace. Motion was PASSED by a roll call vote of 6-0.

Vice Mayor Jarvis MOVED to adjourn the meeting at 7:37 p.m. seconded by Councilmember Giambrone. Motion PASSED by a roll call vote of 6-0.

Mayor Hadley

ATTEST:

Deputy Clerk
cmin032210