

BEAVERCREEK CITY COUNCIL  
REGULAR MEETING May 24, 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. Motion was seconded by Vice Mayor Jarvis and PASSED by unanimous voice vote.

Councilmember Petrak MOVED to approve the minutes of the May 10, 2010 Regular meeting. Motion was seconded by Councilmember Howard and PASSED by majority voice vote. (Wallace abstained)

Councilmember Giambrone MOVED to approve the minutes of the May 17, 2010 Work Session. Motion was seconded by Councilmember Wallace and PASSED by majority voice vote. (Hadley, Howard, and Petrak abstained)

#### PRESCHEDULED SPEAKERS

Youth Council Update – Jeneé Christensen

Jeneé Christensen, current president of the Beaver Creek Youth Council, stated Beaver Creek Youth Council (BYC) has 24 members ranging from 6<sup>th</sup> through 12<sup>th</sup> grades from a variety of schools in Beaver Creek. She explained there are currently 16 adult advisors who have a range of backgrounds and are able to provide a lot of expertise. Ms. Christensen gave a recap of what she discussed at a Council meeting in fall 2009, and explained since that time they held a Senior Prom at Heartland Nursing Center. She stated they had their Annual Winter Formal at the Beaver Creek Golf Club, and were able to raise \$2,200 for Special Wish, which is the Miami Valley Branch of Make a Wish. Ms. Christensen said the middle school members provided a middle school dance, Cruise into Spring, at C.I. Beaver Hall and they sold out the 160 tickets. She explained part of the profit was donated to FISH, the local food pantry. Ms. Christensen stated the final project they held was called Fun, Flags, and Free Food, which is where they organized an event for high school students at Rotary Park. She introduced the president next year, Karina Jhangiani. Ms. Christensen thanked the seniors, the officers, and the BYC members. She thanked their webmaster Caitlyn Kenny, and said their website is [www.beavercreekyouthcouncil.org](http://www.beavercreekyouthcouncil.org). Ms. Christensen also thanked their adult advisors and the Council members.

Beaver Creek Forward Foundation

Councilmember Vann stated Beaver Creek is blessed to have a great community, and another way to make it a better community is to have a foundation where people in

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Beavercreek can contribute to a non-profit foundation. She explained those people then get to vote for a project(s) they feel is needed in Beavercreek and make them come true. Councilmember Vann said they started the foundation last fall, and this is the first year where money has been given. She presented a PowerPoint, "Establishing a Local Giving Circle", which reviewed who can be a member, the vision and goals of the foundation, the members of the Executive Committee, the operational plan, how donations are accepted, the 2009 revenues, and the grant process. Councilmember Vann explained the April 2010 Grantees were Community Art Initiative (Ankeney Middle School) \$3,500, We Care Arts \$2,500, and Ambucs/GreeneBucs \$500. She discussed the 2010 goals, and explained for more information a person could contact the City, a member of the Executive Committee, or they could visit the Greene County Community Foundation website.

#### ORDINANCES, RESOLUTIONS, AND PUDS

Ordinance 10-07 Repealing Sections 35.17 and 35.18, and Enacting New Sections 35.17 and 35.18 [Purchasing Policy Amendment] (First Reading)

Clerk Gillaugh read an Ordinance repealing Sections 35.17 and 35.18 of the City of Beavercreek Codified Ordinances and enacting new Sections 35.17 and 35.18 in order to revise the purchasing requirements, increase the minimum contract threshold amount required for competitive bidding in compliance with the Ohio Revised Code, and remove the term responsible from Section 35.17(A).

Mr. Kucera stated the City is doing a comprehensive update on the City's Purchasing Policy, and when he reviewed the two sections of the Code of Ordinances, he realized it was in conflict with the Charter and the Ohio Revised Code. He stated the threshold will be increased to \$25,000 in the Ordinance, which is what is allowed now and what the Charter allows the City to do. He explained the change will bring it into compliance with the Charter and the Ohio Revised Code.

Vice Mayor Jarvis stated the previous Section 35.17 referred to "the lowest and best responsible bidder" and the proposal tonight drops the word "responsible" even though the Ohio Revised Code does use the word "responsible" in the phrase. Mr. McHugh said the section also references the lowest and best bidder, which is a standard use phrase. Vice Mayor Jarvis asked if that went along with Section 35.18 Paragraph B where is stated "purchases should be made from a responsible supplier". Mr. McHugh said those are non-bid.

Vice Mayor Jarvis said in Section 35.18 Paragraph A(3) it originally stated "...public emergency affecting life, health, property or welfare." and in this Ordinance it was revised to "...public emergency affecting life, health, property and welfare." Mr. McHugh explained it is very commonly called life, health, property and welfare, and the intent is anyone of them will satisfy.

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Councilmember Giambrone MOVED to approve Ordinance 10-07 and to send it to second and third reading, seconded by Councilmember Petrak. Motion PASSED by unanimous voice vote.

Councilmember Vann said even though the limit is \$25,000, staff is going to try to get the best price. Mr. Cornell stated that is true and is common practice. Mr. Kucera explained the \$25,000 sets the competitive bid limit, but the City still has the requirements for the lower thresholds.

#### Ordinance 10-08 Snow Emergencies

Clerk Gillaugh read an Ordinance adopting and implementing Section 76.15, entitled "Emergency During Heavy Snow Events", and Section 76.16, entitled "Parking Regulations During Heavy Snow Events", of the City of Beavercreek, Ohio Code of Ordinances.

Mr. McHugh stated this is a proactive attempt to address what at times has been an issue. He said the snow depth on the streets will be four inches, and the streets will be determined later this year. Mr. McHugh explained this topic would then come before Council at a work session, so the streets could be determined and how they are classified. He stated it will provide flexibility since not every street will be listed, and it will have the ability to change as needs arise.

Mayor Hadley suggested changing the word "earlier" to "later" in Section 76.15 Paragraph B and C.

Councilmember Howard referred to Section 76.15 Paragraph C, and was concerned about limiting the time from 8:00 a.m. to 4:00 p.m., and questioned if there was a more efficient way the City could present this as an emergency street and not penalize the citizens who can't move their cars between 8 and 4. Mr. McHugh explained the intent was to create a different class of streets, but if Council wanted to they could eliminate Paragraph C. Mr. Beach explained the 8 to 4 emergency streets was set up so after the snow had fallen during a normal work day, when the work crews are out, they could get the work done without extending into the evening hours. He stated it would be just as easy to classify those streets as a 24 hour time frame too. Councilmember Howard said the City could also run a reminder caption on the television about the snow emergency ordinance. Mr. Beach said there are a number of ways to communicate and discussed several of them.

Councilmember Giambrone stated she had a different view of the 8 to 4 time frame. She said in Paragraph B that was for 24 hours, and the 8 to 4 time frame was to give them more time during the day. Councilmember Giambrone saw Paragraph C as being more

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flexible because the citizen would not have to have their car parked off the street for 24 hours.

Councilmember Wallace said she read the three paragraphs as three separate categories. Mr. McHugh said that was staff's intent was to make it three categories. Councilmember Wallace liked having the third category. Mr. McHugh explained the Ordinance is establishing the criteria, but the streets that will be classified will be brought back to Council. He stated the intent was to provide a lot of flexibility, but create a system that would work.

Councilmember Wallace asked what Mr. Beach's opinion was of the three categories. Mr. Beach stated there is a convenience factor on the 8 to 4 streets, and for some families in Beavercreek it is difficult for them to get all their vehicles in the driveway. He felt it should be left in for the flexibility, and recommended that staff review it before the second reading.

Councilmember Howard said she read it a different way, but her interest is about what is most flexible for the City and the citizens. Mr. McHugh said it is most flexible to leave three classes of streets.

Vice Mayor Jarvis asked if the streets were already posted. Mr. Beach explained they are not, and stated this is the Ordinance that will start the process. He said staff will then create some administrative guidelines, and then present that information to Council in a work session.

Councilmember Vann said she liked the Code Red idea. Mr. Beach explained other ways the City could communicate with the citizens.

Councilmember Petrak questioned who is going to measure the 4 inches of snow and where. Mayor Hadley thought it would be measured by the weather bureau.

Councilmember Giambrone MOVED to approve Ordinance 10-08 and to send it to second and third reading as amended, seconded by Councilmember Wallace. Motion PASSED by unanimous voice vote.

Resolution 10-18 School Resource Officer Program

Clerk Gillaugh read a Resolution authorizing the City Manager to enter into an agreement with the Beavercreek City School System Renewing the School Resource Officer Program.

Chief Turner explained Council is reviewing the renewal of the SRO agreement with the City of Beavercreek Schools. He said the agreement funds the Resource Officer at the

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schools for nine months, and this agreement has existed since the year 2000. Chief Turner stated it is renewed every two years, and the School Board did approve the agreement on May 6<sup>th</sup>.

Councilmember Vann MOVED to approve Resolution 10-18, seconded by Councilmember Giambrone.

Councilmember Petrak asked if the school pays whole cost. Chief Turner explained the school pays the cost during the school year.

Motion PASSED by unanimous voice vote.

Resolution 10-19 MVRPC Going Places

Clerk Gillaugh read a Resolution acknowledging the existing condition assessment phase of Going Places-An Integrated Land Use Vision for the Miami Valley Region.

Mr. McGrath said Council is aware of the process the City has been involved with receiving information internally from staff, getting feedback and input from City Council, as well as, hearing multiple presentations from MVRPC as to the explanation of the Phase I findings and what they anticipate happening in the future. He explained MVRPC requested a Resolution of support to be adopted by the members of the MVRPC Board on their findings and standings alone. Mr. McGrath felt staff has made it clear that the findings of the Phase I evaluation and the questions that are still associated with the next two phases are all integral in terms of receiving support from the community. Staff wanted to make sure all findings and directions in all three phases were the best interest for the community and the citizens of Beavercreek. He said with that in mind, staff took the resolution they submitted and amended it slightly to acknowledge and include the City will be actively participating in Phase II and III, and explained at what point the City will determine if they are in support or not. Mr. McGrath stated the resolution does acknowledge the amount of work MVRPC has put in the Phase I process with the Going Places Initiative.

Mayor Hadley asked if Phase I was complete. Mr. McGrath said that is correct. Mayor Hadley said this is the final step for Council. Mr. McGrath stated for Phase I.

Vice Mayor Jarvis questioned when Phase II would start or if it has already. Mr. McGrath said MVRPC has been working on it internally, and the Planning Advisory Committee has a meeting scheduled June 10<sup>th</sup>.

Councilmember Petrak stated this has been a troubling effort, and City Council gave staff a lot of direction, comments, and suggestions. He commended staff for coming up with the final resolution and thought it was a well written document.

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Councilmember Giambrone MOVED to approve Resolution 10-19, seconded by Councilmember Howard. Motion PASSED by unanimous voice vote.

#### Resolution 10-20 Bulletproof Vest Grant

Clerk Gillaugh read a Resolution to authorize the application of the Bulletproof Vest 2010 Federal Grant Program on behalf of the Beaver Creek Police Department.

Chief Turner stated this is the annual Bulletproof Vest Grant that comes through the Federal Government, which offers a 50% reimbursement on the bulletproof vests. He said they are looking at replacing 10 bulletproof vests at an approximate cost of \$4,600.

Councilmember Howard asked if this outfits all of the officers with these vests. Chief Turner said all officers are required to wear vests, and there is a rotational pattern since the vests expire every five years.

Councilmember Wallace questioned when the vests expire, if they are sent to other countries. Chief Turner said the City has not done it in the past, but he would look into it.

Mayor Hadley asked what expires on the vest. Chief Turner stated it was the break down of the chemicals into the fabric.

Councilmember Wallace MOVED to approve Resolution 10-20, seconded by Councilmember Howard. Motion PASSED by unanimous voice vote.

#### CITY MANAGER'S REPORT

Mr. Cornell stated Council had a preliminary agenda for the June 14<sup>th</sup> Regular Meeting and a preliminary agenda for the June 21<sup>st</sup> Work Session.

He explained he also gave Council a copy of a preliminary action plan of the two levies that are up for reconsideration in March 2011.

Mr. Cornell said the preliminary work of the Resurfacing of the Creekside Trail Project will begin the week of May 24<sup>th</sup>, and resurfacing will begin after the preliminary work is completed. He explained the project will begin at the Montgomery County/Greene County line and end just east of Alpha Road. Mr. Cornell stated the City Engineer, Jeff Moorman, thought if the weather stayed nice the project would be completed by the end of the week. He said portions of Creekside Trail would be closed for short durations during this time, and directed anyone with questions to contact the Engineering Department at (937) 427-5513.

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He explained the Memorial Day Ceremony will be held Monday, May 31<sup>st</sup> at 2:00 p.m. at Veteran's Memorial Park. He stated the guest speaker would be Harley Coon, who served in the Korean War and was held as a prisoner for 33 months.

Mr. Cornell stated the City offices will be closed Monday, May 31, 2010, for Memorial Day.

He said the May 2010 City of Beavercreek Employee of the Month is Todd Snyder. Mr. Cornell explained he is a Mechanic II and has been with the City since 2002.

#### MAYOR'S REPORT

Mayor Hadley explained he presented a Proclamation to Airman Lopusser regarding his promotion to Staff Sergeant later this week. He stated he had the opportunity to work with him and his crew at Wright Patterson Air Force Base Monday and Tuesday of last week when he participated in the Warfighter program. Mayor Hadley said participants put on gear that a person is required to wear in Iraq, and explained what type of activities he participated in. He stated it was an experience he would not trade or give up, and he has all the admiration in the world for the people who go over seas so we can stay here and do what we do.

#### COUNCIL TIME

Vice Mayor Jarvis stated last Friday, May 21<sup>st</sup>, there was a storm that blew through, and a lightning bolt struck a 100-foot pine tree near the corner of Timberwood Drive and Crab Orchard Avenue. He said the Beavercreek Fire Department took care of the resident while the Beavercreek Public Works Department cleared the street free of debris.

Councilmember Howard said this past weekend was Blessings of the Bike, and asked that motorists be more aware of motorcycles being out on the road. She stated the school year will be ending soon, and requested citizens be more aware of the children playing. Councilmember Howard thanked everyone for their service to our country.

Councilmember Petrak stated he agreed with Councilmember Howard about citizens being careful around cyclist especially pedal power. He said he was going to a Greene CATS meeting tomorrow, and said an item that was on the agenda was "Endorsement of a proposed draft resolution to support a statewide effort to adopt a 0.25% sales tax dedicated to public transit". He said he would bring information back to Council to discuss.

Councilmember Wallace said when she drove to the meeting tonight she noticed the beautiful flags flowing on Dayton-Xenia Road and North Fairfield Road, and thanked the City for putting the beautiful colors up. She stated as people travel through that route of the City she requested people remember what Memorial Day is about and take a

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moment of their time to remember the people that have passed and given their lives to protect our country.

Councilmember Vann stated Youth Council made a presentation tonight, and wanted to remind the Council members that there will be big changes when Bambi Saxe leaves. She said it was her understanding Council wanted Beavercreek to have the best community for youth around, and one way to do it was to provide extra programming to fill the gaps. Councilmember Vann explained with the change in leadership, it will be the team of Council members that will decide how they are going to support them, work with them, and partner with them. She said Council needs to figure out what their role is and how it is going to happen. Councilmember Vann stated the topic is on a work session agenda, and looked forward to discussing the topic with Council.

Mayor Hadley stated it is on the June work session, and the meeting is open to the public.

Councilmember Vann stated there are current board positions open. Clerk Gillaugh stated a legal ad was posted in the paper last Wednesday, and the Board and Commission appointments will be made by Council at the last meeting in June. She stated there are applications available at City Hall or a person could apply on-line from the City's website.

#### UNSCHEDULED SPEAKERS

Ryan Rushing, 2381 Bluewing Drive, applauded City Council on all their performances they do on City Council. He said each one of them makes his life easier and the people of Beavercreek lives easier. Mr. Rushing felt that Council got little credit, and thought he had the obligation of this City to come here today and applaud them. He believed it was sad that an average citizen of Beavercreek does not even know who the Mayor, Vice Mayor, Council members, or the City Manager is. Mr. Rushing thought it was upsetting that the average citizen does not think that a local officer holder affects their day-to-day lives. He stated if he could have one wish granted, he would wish that more citizens of this City would take more part in the City. Mr. Rushing said he was here tonight to do his part and is a person who trusts his government. He said people have a voice in America called democracy, and a person has a chance to change things every single day. He explained he was not 18 years old yet, but when he was he would vote at every election and take part in more community services. He thanked Council, and stated Beavercreek is one of the greatest cities in Ohio. Mr. Rushing said Beavercreek is a caring city, strong but compassionate, brave but forgiving, bold but loving, and we are Beavercreek. He thanked Council and wished Council they live hard but love harder.

#### EXECUTIVE SESSION

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Councilmember Petrak MOVED to enter into Executive Session at 7:22 p.m. pursuant to Section 121.22 of the Ohio Revised Code, for the purpose of consideration of the appointment of a public employee, seconded by Councilmember Howard. Motion PASSED by a roll call vote of 7-0.

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

Councilmember Giambrone MOVED to adjourn Executive Session, seconded by Councilmember Wallace. Motion was PASSED by a roll call vote of 5-0.

Councilmember Giambrone MOVED to adjourn the meeting at 7:41 p.m. seconded by Councilmember Vann. Motion PASSED by unanimous voice vote.

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Mayor Hadley

ATTEST:

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Deputy Clerk  
cmin052410

BEAVERCREEK CITY COUNCIL  
WORK SESSION, May 24, 2010, Followed Regular Meeting

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

DISCUSSION ITEMS

Draft Fallon Survey Questions

Mr. Fallon stated he incorporated the input that was provided by Council when the survey was discussed at a previous work session, and asked if there were any comments or questions.

Council made several suggestions to the survey, and Mr. Fallon stated he would work on those changes. Mr. Cornell stated Mr. Fallon would provide the document with the suggested changes to him tomorrow morning, and Mr. Cornell would forward the draft to Council for final consideration. Mr. Fallon stated the survey was to begin on June 1<sup>st</sup>.

Councilmember Giambrone MOVED adjournment at 8:09 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  
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