

BEAVERCREEK CITY COUNCIL
REGULAR MEETING August 24, 2009 6:00 p.m.

PRESENT: Mr. Hadley, Mrs. Howard, Mr. Jarvis, Mr. Leonard, Mr. Petrak, Mayor Vann

ABSENT: Vice Mayor Giambrone,

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

Mr. Leonard led the pledge and a moment of silence.

Mr. Jarvis MOVED to excuse Vice Mayor Giambrone, seconded by Mr. Petrak it was approved by unanimous voice vote.

Mrs. Howard MOVED to approve the agenda; it was seconded by Mr. Hadley. The Motion PASSED by unanimous voice vote.

PRESCCHEDULED SPEAKER

Clark State/Greene Center – Dr. David Devier & Marilyn Carlson

Dr Devier stated that they opened the Greene Center 2 years ago in September and they now have another occupant which is the Dayton Regional STEM School. Marilyn Carlson stated they started with 47 students and they are now up over 800 students by spring this year, with over 5000 credit hours. They are reaching out to Greene County in several ways with a K-12 partnership (dual enrollment), WPAFB Service, Business and Industry Outreach and Academic Program Development.

Ms. Carlson said that new certificate and degree programs are being added constantly and many are cutting edge technology such as Advanced Technical Intelligence Program, GEO Spatial Technology and the new Paramedic to RN Program. There are 20 full degree associates programs as well as 19 certificate classes.

Greene County Library Budget Issues – Karl Colón

Karl Colón from the Greene County Library asked the citizens to vote for the Library Levy in November, it is a renewal of a one year operating levy that will expire at the end of 2010 and that will not raise taxes and will keep the library doors open. Beaver creek is the highest circulating branch; patrons checked out 79,448 items in 2008 which is about 26% of total circulation. Greene County Library was named one of the top ten libraries in the country serving communities our size. Funding has dropped off critically at the state level and with this levy it is a 50/50 split which will still cause cutbacks throughout the county.

ORDINANCE, RESOLUTIONS AND PUDS

Ordinance 09-24 Levying Special Assessments for Phase II at the Greene and Declaring an emergency (Third Reading)

Clerk Bucheit read an Ordinance levying special assessments for the improvement of East Stroop Road, Dorothy Lane, County Line Road, Indian Ripple Road, the interchange of Interstate Highway 675 and Indian Ripple Road, and extensions of other public roads and streets, including necessary storm water, sanitary sewer and water facilities, traffic signalization and other necessary appurtenances and declaring an emergency.

Mr. Jarvis MOVED to approve Ordinance 09-24 seconded by Mr. Petrak it was approved by roll call vote of 6 to 0.

August 24, 2009

Ordinance 09-26 Chapter 159: Illicit Discharge and Illegal Storm Sewer System Connection (Third Reading)

Clerk Bucheit read an Ordinance adopting Chapter 159 Illicit Discharge and Illegal Storm Sewer System connection control to the Beaver Creek Code of Ordinances.

Mr. Hadley MOVED to approve Ordinance 09-26 seconded by Mr. Leonard it was approved by unanimous voice vote

Ordinance 09-27 Reorganization Public Administrative Services Department (First Reading)

Clerk Bucheit read an Ordinance approving amendments to the Code of Ordinances, Chapter 30, Governmental Organization.

Mr. Cornell wanted to summarize the changes that would transform the Public Works Department into the Public Administrative Services Department; this establishes two functional areas one associated with organization and one associated with maintenance. The intent is to establish focal point areas to establish clear direction and remove overlap.

Mr. Cornell stated that there are three keys to this reorganization; one is to maximize organizational efficiencies, second to be consistent in the application of policies and procedures and third to be in a position to be able to absorb future growth. He wants to maximize operational efficiencies by enhancing how we purchase and contract services, supplies, etc., formalize cross utilization of department employees when the need is greatest, provide greater flexibility of seasonal work force during spring and summer, and allow for sharing of equipment such as right-of-way mowers between departments more easily.

A key component from a manager's perspective in any internal organization is going to be the need for consistent application of policies and procedures to deal with bargaining unit/contract considerations, employee manual requirements, uniform department procedure, consistency in application of employee evaluations and consistency in response to employee concerns such as grievances.

Mr. Cornell stated that this reorganization provides the ability to address the growth that will occur in this community over the next five to ten years in a more efficient manner by allowing us to focus on the growth in the senior services, youth services and parks programming without having to focus on maintenance.

This reorganization sets a certain level of continuity at the top with the management positions to let them focus on the planning, programming, maintenance and operations. Public Services Administrative Services is about what is occurring outside with the infrastructure.

Mr. Beach stated that he handed out a revised ordinance with attachment A, the changes include in Section I, subsection C was changed to E. In attachment A several part time positions were added that had been left out on page 6 and there is one more correction that needs to be made (f) Senior Center Secretary should actually be a full time position.

The major changes to the organizational chart include the addition of the Public Administrative Services Director which is over the Engineering Division, the Public Services Division and the Parks, Recreation and Culture Division and Golf Course. The Parks Maintenance Division has been moved together with Street Maintenance Division under a subsection foreman. The City Engineer position will now be a separate position from Mr. Beach's position and the position of

August 24, 2009

Technician that was never filled has been removed. There will be another foreman level position added which was left unfunded several years ago which will be over Fleet Management and Building and Grounds Maintenance.

Mr. Leonard asked for the Public Works Organization Chart with employee names in the chart.

Mrs. Howard asked Mr. Cornell if this change would help him to make the organization more efficient. Mr. Cornell said yes absolutely and that it would ensure greater response to citizen requests as well which is a significant priority, previously it seems we were putting out fires instead of it being part of the routine.

Mayor Vann stated the economy is very bad and we are trying to cut costs and was not sure that this was the time to be adding an executive position. She stated that this looks like an Assistant City Manager position but has the name of Public Administrative Services Director and she was worried that the Golf Course was not directly under the City Manager because of past problems.

Mr. Leonard stated that he had expressed some concerns but this is what our City Manager says he needs and if he can make it work properly it will add to the sense of cohesion and family among all of the employees.

Mr. Petrak MOVED to approve the amended version of Ordinance 09-27 to the second and third reading seconded by Mr. Hadley it was approved by majority voice vote (Vann against).

Resolution 09-34 Directing Greene County Auditor to enter the cost of Noxious Weeds and Grass Cutting on the Tax Duplicate
Clerk Bucheit read a Resolution Directing Greene County Auditor to enter the cost of Noxious Weeds and Grass Cutting on the Tax Duplicate for the properties described in Exhibit A.

Mr. Kucera stated that this is the annual process to assess the Code Enforcement cases that have not yet been paid. He explained the process from the complaint, inspection, notices, contractor cost, administrative fees, assessment notice and assessment fees. He stated that Matt Funk handled 229 complaints, had 57 mowed of which 33 are being assessed and some are duplicates and the total being assessed is \$7,875.

Mr. Leonard stated that some of these already probably have back taxes and if the property forecloses and it goes to a Sherriff's Sale would we be able to collect this assessment. Mr. McHugh stated that the taxes would be collected.

Mr. Hadley wanted to be sure that someone buying the property would have knowledge of the assessment. Mr. Kucera stated that when it was given to the County Auditor it was added to the property.

Mr. McHugh stated that if someone is looking to buy a property these assessments are difficult to ascertain because of the timing so you should always call the jurisdiction and ask the question.

Mr. Jarvis asked if the property owner could pay this bill before it is assessed. Mr. Kucera stated that they do sent out letters a second time before it goes to the County Auditor to give them a chance to pay, which they can do all the way up to the time the County Auditor puts in on the duplicate.

August 24, 2009

Mr. Leonard MOVED to approve Resolution 09-34 seconded by Mr. Hadley it was approved by unanimous voice vote.

Resolution 09-36 Opposing Closure of U.S. 35 Ramps

Clerk Bucheit read A Resolution opposing the preferred alternative for the MOT-35-18.57 Project and the proposed closure of the ramps from Dayton-Xenia Rd. and Linden Avenue to U.S. Route 35.

Mr. Beach stated that this project is in Montgomery County and they are adding a thru lane in each direction on U.S. 35 and rebuilding the interchanges at Smithville and Woodman Drives and at the end of this project it involves an evaluation of the on and off ramps to U. S. 35 at Dayton-Xenia and Linden Avenue. He stated that Council requested a resolution asking them to consider keeping these ramps or considering the other alternatives and not just the cheapest one.

The open house meeting regarding this subject is going to be held at Carroll High School on August 27th from 4 till 7 p.m. The City also has information on the website under the Public Works Department and has forms to fill out to mail in.

Mr. Petrak wanted to reword the resolution to say "A Resolution opposing the closing of the U.S. 35/Linden Ave. and U.S. 35/Dayton-Xenia Rd ramps as part of the MOT-35-18.57 Project".

Mayor Vann stated in doing an environmental review there are many areas they consider that could be challenged including social impact, financial impact, economic development impact, aesthetic impact, safety, and whether it is practical to the physical terrain.

Mr. Jarvis MOVED to approve the amended Resolution 09-36 seconded by Mr. Hadley it was approved by unanimous voice vote.

CITY MANAGER'S REPORT

Mr. Cornell stated that the City has received an upgrade on its investment grade ratings from Moody's from A1 to Aa3 which is an outstanding general obligation rating. Some of the reason we received the upgrade are that we have a large and diverse tax base experiencing moderate growth, above average citizen income levels, the City has a stable financial position with a manageable debt profile that is expected to continue with no immediate borrowing plans. This makes the bonds the best quality with the smallest degree of investment risk and the upgrade normally reduces the interest rate when the bonds are sold.

Mr. Kucera stated that Moody's reevaluation covers all of our debt portfolio and not just the recent bonds.

Mr. Cornell reminded citizens that school is in session starting Tuesday August 25th and to be sure and drive safely.

Mr. Cornell stated that the Popcorn Festival is coming up on Saturday and Sunday September 12th and 13th.

Mr. Hadley stated that there would be some great entertainment including Blind Justice, a local group will be playing and a Beatles Tribute Band on Saturday and the Beaver Creek High School Band will play on Sunday. There will be about 200 booths that have been reserved.

Mrs. Howard stated that Wright Patterson Air Force Base released their figures on the economic impact that they have on the Dayton Area which exceeds 4.4

August 24, 2009

billion dollars which includes 25,713 military, civilian and contractor employees for 2008 which increased 900 jobs over 2007. Mrs. Howard stated that we very much appreciate having Wright Patterson Air Force Base as a huge economic engine and we look forward to the upcoming BRAC changes.

Mr. Petrak attended the Greene CATS Programs and Services Committee meeting on August 18th and they had a proposal on their agenda to approve the connection of Greene CATS to Montgomery County RTA at Wright State and Sinclair, which was tabled, but they will take the proposal forward to the Transit Board on Wednesday even though the committee never approved it. Mr. Petrak stated he believes this proposed FLEX service they keep talking about which is a fixed route, fixed schedule is no different than an RTA route. The points that he made with the committee was about their 1995 Study where the people in Greene County moved from Montgomery County to get away from the problems there and that they want to keep the integrity of Greene County intact. The City incorporated here in 1980 to stay out of the grasp of Dayton. According to the 1995 study the people wanted transportation for elderly and disabled but did not want an extension of RTA in Greene County and there was not to be an extension of service unless there was an overwhelming ground swell of support within the community, and there is nothing like that going on right now.

Mr. Petrak stated that there was a representative from MVRPC with significant of demographics and a new report out that they had developed for a proposed new multicounty transit system that includes Montgomery, Greene, Miami and part of Warren County. The study was prepared by three types of people poor, elderly and disabled; agencies that represented the poor, elderly and disabled; and transportation providers. There was no community input, they only used focus groups. They did not include information such as how many trips are not being made across county lines to medical facilities because of lack of transportation. In order to put together a cost effective system you must know the magnitude of the problem. They are basing what they want to do totally on speculation.

Mrs. Howard asked for Councils approval as the City's representative to MVRPC to set up a conference call with Don Spang and Mike Cornell to be sure that they understand what our feelings are as member of that organization.

Mr. Jarvis wished his wife Connie Happy 7th Anniversary.

Executive Session

Mr. Petrak MOVED to enter into Executive Session at 7:45 p.m., pursuant to Section 121.22 of the Ohio Revised Code, for the purpose of employment of a public employee, the purchase of property for public purposes and conference with the city attorney concerning disputes involving the City that are subject to pending or imminent court action. Seconded by Mr. Hadley it was passed by roll call vote of 6 to 0.

Mrs. Howard MOVED to adjourn Executive Session, seconded by Mr. Leonard it was approved by roll call vote of 6 to 0.

Mr. Hadley MOVED to adjourn the meeting, seconded by Mrs. Howard. The motion PASSED by unanimous voice vote.

Mayor Vann

ATTEST:

Clerk
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