

BEAVERCREEK CITY COUNCIL  
REGULAR MEETING September 28, 2009 6:00 p.m.

PRESENT: Mr. Hadley, Mrs. Howard, Mr. Jarvis, Mr. Leonard, Mr. Petrak, Vice Mayor Giambrone, Mayor Vann  
ABSENT: None

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

Vice Mayor Giambrone led the pledge and a moment of silence.

Mr. Hadley MOVED to approve the agenda. Motion was seconded by Mr. Jarvis and was PASSED by unanimous voice vote.

PRESCCHEDULED SPEAKER

Beavercreek Superintendent – Gale Mabry

Mr. Mabry stated he has been working in the Beavercreek school system for approximately two months and is extremely impressed with everyone he has met in the community. He expressed he was looking forward to the joint work session with the Council members in October. Mr. Mabry said from his observations, Beavercreek has a wonderful school system and has been impressed by the administrative team and the staff. He is pleased to work in a great community.

Mental Health Levy – Dr. Kent Youngman

Dr. Kent Youngman, CEO of the Greene County Mental Health and Recovery Board, stated he was requesting Council's support for Issue 5. Dr. Youngman explained the board works with individuals with mental illness or substance abuse problems, and said they are not a part of the MRDD system. He said Issue 5 is a renewal of an existing 1.5 mill levy passed in 1998 and will not increase taxes. Dr. Youngman stated this levy produces about 40% of the funds available for Greene County services, and explained it will not make up for state cuts that are already in place, but will continue local support for the programs and services valued by Greene County residents. He urged all residence to vote yes on Issue 5. Dr. Youngman said they provide services in three counties, and have a contract with 10 area agencies.

Mr. Petrak asked what percentage of their budget was cut when they lost the 1.5 million from the state. Dr. Youngman explained the state funding was reduced by 35% which is about 10% of the funds for the three counties.

Mayor Vann questioned what would happen if the other two county levies do not pass. Dr. Youngman stated if the levy would fail for the other counties, then that county would lose their levy funding.

PUBLIC HEARING – PUD 97-3 SSP#11 Beavercreek Medical Center

Clerk Bucheit read an application filed by EMH&T, 5500 New Albany Road, Columbus, OH 43054. The applicant requests specific site plan approval for 21.84 acres of land to allow for the construction of a hospital located at the southwest corner of Pentagon Boulevard and Commons Boulevard. The property is further described as Book 4, Page 3, Parcel 21 on the Greene County Property Tax Atlas.

Vice Mayor Giambrone recused herself from this case.

Todd Cunningham, EMH&T, introduced Jim Porter, director of the facility. Mr. Porter stated they are looking at a 120 million dollar investment to build a 275,000 square foot full-service hospital. He thanked staff and believed this project will enhance the neighborhood and the entire City.

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Mr. Cunningham discussed the location of the property, the full-access on Pentagon Boulevard and the other access points, the site plan layout, the ambulatory traffic flow, the designated parking areas for staff and physicians, the recessed area on the site that houses the utility equipment, the future medical office building, and the helipad. He showed the different phases they are proposing for the hospital, and explained the applicant also owns ten acres on the southwest corner of Royal Gateway. He stated the architect from HOK did a master plan that projects out 30 years of what the hospital's needs could be, and discussed what the campus has capacity for. Mr. Cunningham explained they are currently working with the fire department regarding rear access to the building prior to Phase II and III. He said the project is being designed according to lead principals, which deals with sustainability. Mr. Cunningham stated the applicant is looking at installing some bio retention features and discussed the lighting for the site.

Mr. McGrath summarized the staff report dated September 23, 2009, which stated the property was rezoned in 1998 with the intention for high density multi-family residential units. He discussed the mixed uses between PUD 97-3 and PUD 98-9 to the west, and reviewed the amendments that were completed to allow for the hospital use and more office uses in PUD 97-3. The rendering of the hospital and the architectural elevations were shown. Mr. McGrath discussed the rendering of the hospital, the architectural elevations, the building materials, and the building height. Mr. McGrath referred to the east elevation, and explained Planning Commission made a condition regarding the temporary wall where the future medical office building will connect. He stated there could be a possibility of an expansion to the bed tower in the future that would wrap around the back (south side) of the building.

Mr. McGrath discussed the three phases of the hospital and what is being proposed in each phase. He reviewed the landscaping plan, screening and open space requirements, and said a condition was added regarding the design of the retaining walls proposed at the southern edge of the property. Mr. McGrath explained what bioswales are since it is a new initiative with the City and showed several pictures of the concept. The parking and lighting requirements were discussed and Mr. McGrath stated the signage package will be submitted and reviewed by Planning Commission as a minor modification. Mr. McGrath said there is a sign easement on the southeast corner of the hospital site, and suggested adding a condition regarding the easement. He reviewed the desirable impacts the hospital will have on the City, and stated staff recommended approval with 27 conditions and proposed a 28<sup>th</sup> condition.

In public input, Mike Shannon, attorney for Mero Development, gave sincere gratitude to the applicant and staff of the last minute issue that will be reflected in Condition #28 and asked Council for the inclusion of the condition and the support of this application.

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

Mr. Petrak questioned if the helipad is ground level. Mr. McGrath said it is at ground level. Mr. Petrak said he has always seen a helipad close to an entrance, and thought it was far from the building. Mr. Cunningham explained the purpose of the helipad is to transfer patients from the hospital, and the location is not as critical to the emergency door. Mr. Petrak asked if the applicant had met the setback requirements from the roadway. Mr. Cunningham said they had, and they are discussing the matter with Wright Patterson Air Force Base. Mr. Petrak questioned if there was enough room to have a traffic light installed between

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Commons Boulevard and Royal Gateway. Mr. Cunningham explained if a traffic signal is warranted, they will be set up on an interconnected system so the timing would be adjusted and the flow of traffic would not be impeded. There was a discussion between Mr. Petrak and Mr. Cunningham regarding the photometric plan.

Mr. Jarvis questioned how many decibels the helicopter would make because of the surrounding residential properties. Mr. Cunningham said they are not anticipating a 24/7 use of the helipad, and explained they have not done a noise study regarding the landing of a helicopter at the site and the reading at the adjacent residential properties. Mr. Jarvis asked if there was a noise ordinance that this may conflict with. Mr. McGrath stated they hoped the building would stop a lot of the noise, and thought the City would regulate that as much as the Air Force planes flying over at odd hours of the night. He said there are regulations, but in emergency situations if the City would foresee any noise violations given the limited activity. Mr. Jarvis questioned if the helipad was set back far enough from Pentagon Boulevard that no debris would be thrown into the street. Mr. Cunningham explained the applicant is required to have a fence installed around it, and stated from the edge of the helipad to the road is approximately 100 feet.

Mrs. Howard said the Bikeway Advisory Committee requested bike racks be placed at the entrance and exits and questioned if that's what Condition #14 referenced. Mr. McGrath explained the applicant is planning on adding those, but if Council wanted to specify that, they could amend Condition #14. Mrs. Howard questioned what type of fence is going to be installed around the helipad area and wanted to know how tall it was too. Mr. McGrath explained the applicant is still working on that issue, and that is why a condition was added. Mrs. Howard asked if the helicopter will be a Care Flight helicopter or if it will be something different because of the different noise patterns. Greg Henderson, President of Greene Memorial Hospital, stated at this time they are not sure what type of helicopter, but will be more like one used at Miami Valley Hospital. Mrs. Howard referred to Condition #27, and asked Mr. McGrath to elaborate a little more on the wall's function. Mr. McGrath explained that is where the medical office building will connect and so it is only a temporary wall that will not be brick. Mrs. Howard questioned what level hospital this is going to be considered. Mr. Henderson said it is going to be an Acute Care Hospital with the possibility of a Level III trauma center.

Mr. Leonard questioned what type of patients would be treated at this hospital. Mayor Vann asked if the applicant could explain to Council what a Level III trauma center was. Mr. Henderson stated what type of patients could be treated at this type of hospital. Mr. Leonard commended the developer for adding 150 more parking spaces than what is required, and had a question regarding the calculations of the staff parking counts. Mr. Cunningham stated the parking table just reflects employment at the largest shift and does not reflect the total number of employment. There was a discussion between Mr. Leonard and Mr. Henderson regarding the designated parking spaces for staff and visitors.

Mr. Hadley said Phase III calls for extra parking, and he was not in favor of having more parking spaces than what is required. He asked if they are planning on leaving the greenspace in Phase III until after the medical office building is constructed and the parking spaces are needed. Mr. Henderson said that was correct. Mr. Hadley complemented the applicant on the pervious drainage in the parking lot and thought the concept was great.

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Mr. Leonard asked if the applicant applied for FAA approval and if they are following FAA guidelines for the helipad. Mr. Cunningham stated they have started the permitting process through the FAA and coordination with the base, but they are not far enough in the process to make an application. He said without the permits they will not be able to construct the helipad. Mr. Leonard questioned if there was a provision in the building design to ever move the helipad to the roof of the main building. Mr. Cunningham explained in the 30 year plan it does not show the helipad moved to a roof location.

Mr. Jarvis mentioned the ground mounted units, and questioned if there should be a condition added. Mr. McGrath said in Condition #18, ground mounted units could be added. Mr. Jarvis asked if Wright State Environmental Science Department has been involved or could be involved with the bioswales since the City has no experience with them. Mr. Beach explained the bioswales are being used more in recent times in Ohio area, and reviewed the process of how the bioswales work. There was a discussion between Mr. Leonard and Mr. Cunningham discussing the functions of the bioswales and how they are maintained.

Mrs. Howard MOVED, for the purpose of taking administrative action, approval of a PUD Specific Site Plan for Mills Morgan Medical Campus, PUD 97-3, SSP #11, on the basis that City Council finds the facts submitted with the application and accompanying materials, and modifications, amendments and supplementary conditions satisfy the standards and criteria for PUD Specific Site Plan approval as per §158.066 of the Zoning Code. Supplementary conditions required of this approval shall be as follows as amended and added. I further move that this motion with all conditions be fully recorded in the minutes of this Council meeting.

1. The approved site and landscape plans shall be the plans dated "Received August 25, 2009" except as modified herein.
2. The approved elevations for the 276,000 square foot building shall be the architectural drawing and the associated color renderings dated "Received August 25, 2009."
3. A PUD Agreement must be signed by the owner and a bond or letter of credit must be submitted prior to issuance of a zoning permit for any portion of the project for the purpose, but not for the sole purpose, of insuring the installation of landscaping. Said bond or letter of credit must meet the requirements of the Planning and Zoning Department.
4. Perpetual maintenance of landscaping shall be provided and any dead or diseased materials shall be removed and replaced with similar types, species and sizes as originally planted, within three months, weather permitting.
5. The light fixtures and poles to be used within this development, along with a final photometric plan shall be reviewed and approved by the Planning Department prior to the issuance of a zoning permit for the building. The fixtures and poles shall be similar in design to the fixtures used by other office developments within the Pentagon Boulevard corridor to the satisfaction of the Planning Department.
6. Debris and trash shall be routinely collected by the owner from the parking lot and grounds of all areas of the project including storm drainage facilities. The City reserves the right to require more frequent collection as deemed necessary.

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7. The applicant is required to submit a maintenance plan for the bioswales and all post-development stormwater runoff controls to the Engineering Department. All stormwater runoff controls shall be maintained so that the stormwater runoff is being properly and efficiently detained at the discretion of the City Engineer.
8. A Final Subdivision shall be approved by the Planning Commission and all necessary bonds and fees shall be paid prior to the release of a zoning permit for the hospital building.
9. The building exterior shall not be painted or altered in any way that varies from the approved elevations unless otherwise approved by the Planning Department or, if required, by the City Council and/or Planning Commission.
10. All man, service, loading dock and garage doors shall be painted to match the building per the approval of the Planning Department.
11. All trash collection containers shall be enclosed within a building or screened from view through the use of a permanent dumpster enclosure designed to match the building by using the same materials as those found on the building. All ground mounted mechanical equipment shall be screened from view per the review and approval of the Planning Department.
12. All concerns of the City Engineer, Fire Department, Sanitary Engineer, Planning Department and the Beavercreek Police Department shall be addressed prior to the issuance of a permit for the hospital building.
13. Prior to the release of the record plan for recording, the applicant shall sign a Subdivider's Contract and submit a bond or letter of credit for the public improvements, if required by the City Engineer.
14. The applicant shall grant the City public access easements for any portion of the bike path located on Commons Boulevard that is located on private property outside of the public right-of-way and agrees to install bike racks.
15. The applicant shall submit and receive approval of a sign package by the Planning Commission prior to the issuance of any permanent sign permits.
16. Impact fees must be paid for this project. The required impact fee will be reviewed and approved by the City Engineer and the impact fee must be paid prior to the release of the final subdivision for recording.
17. Aeration and water circulation devices and/or fountains are required for the retention pond(s) and shall be maintained by the owner, developer, or the condo association in perpetuity.
18. All roof top and ground mechanical units shall be completely screened from view from all directions with architectural features (roof forms or parapets).
19. All areas disturbed as part of the Phase I construction that are not part of the Phase I construction shall be restored seeded, and maintained and shall be free of noxious weeds and construction debris.
20. Downspouts shall be internally mounted and shall not be visible on the exterior of the structure or on any structure within this development except as

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specifically approved by the Planning Commission and/or Planning Department.

21. A special street lighting assessment district for operational cost but not installation of fixtures may be created and approved by the City Engineer. The installation of the streetlights is the responsibility of the applicant and not the City.
22. Should a traffic signal be warranted at the entrance to the hospital from Pentagon Boulevard per the approval of the City Engineer, all costs associated with installing such traffic signal shall be at the expense of the applicant and those costs are not impact fee eligible.
23. Phase II and Phase III development plans shall be reviewed and approved by the Planning Department and the Planning Commission through the application and approval of a minor modification to this approved Specific Site Plan. All buildings shall include four-sided architecture and shall be aesthetically compatible with the hospital through the use of similar materials and design concepts.
24. The applicant shall submit an internal circulation plan for review and approval to the Engineering and Planning Departments prior to the release of a zoning permit.
25. The Planning Department shall review and approve the fence associated with the helipad prior to the release of the required fence permit.
26. Material and color samples shall be submitted to the Planning Department for review and approved prior to the issuance of a zoning permit. The final color of the brick used on the building shall be approved by the Planning Department prior to the issuance of a zoning permit for the building.
27. The developer shall work with staff on the design of the temporary wall on the east side of the building where the medical office building will eventually connect.
28. The applicant acknowledges the easement reflected in Volume 2688, Page 588 of the Deed Records of Greene County, Ohio and agrees to work cooperatively with Mero Development, LLC concerning its relocation to a mutually agreeable site.

Motion was seconded by Mr. Hadley. The motion PASSED by unanimous voice vote. (Giambrone abstained)

#### ORDINANCE, RESOLUTIONS AND PUDS

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

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

Mr. Petrak MOVED to approve Ordinance 09-27. Motion was seconded by Mr. Leonard and was PASSED by unanimous voice vote. (Vann opposed)

Ordinance 09-28 PUD 09-1 Hanley Chiropractic (Second Reading)

Clerk Bucheit read an Ordinance amending the Zoning Map by rezoning approximately 0.899 acres of land from B-2 Community Business District to C-

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PUD 09-1, Commercial Planned Unit Development, further described as Book 6, Page 14, Parcel 108 on the Property Tax Maps of Greene County, Ohio (PUD 09-1)

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

This Ordinance moves automatically to the Third Reading.

Ordinance 09-29 Issuance of Bonds for Final Judgment Golf Course (First Reading)

Clerk Bucheit read an Ordinance providing for the Issuance of not to exceed \$1,090,000 of Bonds, by the City of Beavercreek, Ohio, for the purpose of paying a final judgment.

Mr. Kucera stated this was an annual ordinance for the judgment bond from the Golf Course. He explained in December 2003, the City entered into an agreement to terminate the management contract with Vintage Golf. As part of the settlement, a Judgment Bond Anticipation Note for \$1,500,000 was issued. The judgment process is controlled by the ORC, and explained after five years the minimum down payment is 1/20<sup>th</sup> of the debt (\$57,500 per year on a fixed schedule). Mr. Kucera said in 2008, the City started making principal down payments of \$57,500. Staff is recommending the issuance of a bond after another principal down payment. The decision to issue a bond versus renewing an annual BAN is based on the current interest environment, the upgraded investment rating the City recently received, and the variable issuance cost with annual BANs versus a one time fee for issuance of bonds. Mr. Kucera showed what the last rates were for bonds and BANs that the City recently issued for our street programs. Staff recommended approval of this Ordinance.

Mr. Leonard questioned Mr. Kucera as to whether it is more reasonable to file for a new BAN every year or to roll it into a bond. Mr. Kucera stated it is more favorable to go with a bond according to Bond Council because interest rates are lower. Mr. Leonard asked who does the calculations for the City. Mr. Kucera said it was the Bond Council, which is George Baum and Company and they assist the City with the bonds and then the City has Peck Schaeffer as the City's actually Bond Council.

There was a discussion between Mr. Kucera and Mrs. Howard on the people that work with the City on the bonds. Mrs. Howard said she was glad to see there is some consistency with the account representative. Mrs. Howard questioned if the certificate of membership that was included in their packet, required Council's signatures or if that was for information purposes. Mr. McHugh said it did not require signatures.

Mr. Jarvis said the Ordinance previously talks about the notes being \$1,092,000, and questioned why the Ordinance is only for \$1,090,000. Mr. Kucera explained it will be lower than that with the principal pay down the City is going to make in December, and explained they always round up in the Ordinances and the actually dollar amount is reflected at the end.

Mr. Hadley asked if the City was paying the principal \$57,000 each year. Mr. Kucera stated that was correct. Mr. Hadley questioned if that was included in the \$1,090,000. Mr. Kucera said the estimated cost of issuing the bond is included, so it is the \$1,035,000 plus the estimated \$57,000.

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Mr. Leonard asked if there was a payoff penalty to the original debt holder. Mr. Kucera stated no.

Vice Mayor Giambone MOVED to approve Ordinance 09-30 and move it to the second and third reading, seconded by Mrs. Howard. Motion PASSED by unanimous voice vote.

Ordinance 09-30 Reduce Speed limit through Construction Zone (Second Reading)

Clerk Bucheit read an Ordinance to Authorize a Speed Limit of 25 miles per hour upon certain portions of Dayton-Xenia Road for the duration of construction and to amend Ordinance 83-18.

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

Mr. Hadley questioned when the 25 mile/hour signs are posted if the 40 mile/hour signs will be covered. Mr. Beach explained currently there are advisory signs posted, which are not enforceable. He said when the Ordinance becomes effective; the City will replace the 40 mile/hour signs with the 25 mile/hour signs. Mr. Beach stated there would also post advisory "speed reduced ahead" signs.

This Ordinance moves automatically to the Third Reading.

Resolution 09-37 Authorize City Manager to sign golf Cart Financing

Clerk Bucheit read a Resolution Authorizing the City Manager to award a Golf Cart Bid to E-Z-GO and to enter into a tax-exempt municipal lease financing with fifth Third Bank to finance the purchase.

Mr. Klick stated they had just finished their fourth year of their five year lease agreement with the present cart fleet. He explained staff has seen a drastic increase in repairs to this cart fleet over the past year and a half, which was over \$9,900 that was not covered under warranty. Mr. Klick said with the increase in repairs and the competitive interest rates it has made it possible to solicit some competitive bids for a new fleet of carts. The reasons for acting on this matter is because the trade-in price on the current fleet is greater than the buy-out price, EZ Go has a 4 year warranty with maintenance agreement included on all repairs that is lower than Club Car's maintenance agreement, the lease payment will be reduced, and the interest rate is lower. Staff recommends that City Council adopt the resolution and would like to take deliver of the new fleet in October.

Mayor Vann asked what the brand is of the carts the City is selling back. Mr. Klick stated the present fleet is Club Car and would be entering into an agreement with EZ Go.

Mr. Leonard questioned if EZ Go gave a bid for the same number of carts. Mr. Klick explained they currently have 80 carts and under EZ Go agreement they will get 72 carts, and said they do not need 80 carts. There was a discussion between Mr. Leonard, Vice Mayor Giambone, and Mr. Klick regarding the difference in the lease payments. Mr. Leonard asked if the maintenance is done on-site. Mr. Klick said the maintenance with EZ Go will be once a week or as needed where the current fleet he calls when needed.

Mrs. Howard referred to the last time when Mr. Klick deleted the GPS/Weather Service programs, and asked if there were any request from the golfers to purchase those service programs again. Mr. Klick explained they have a yardage

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book on the cart and those will transfer to the new fleet, but he has not gotten any request for the GPS system.

Mr. Jarvis discussed what he found when he researched the company under the Better Business Bureau, and questioned if Mr. Klick not only looked at lowest cost but best value. Mr. Klick explained he spent time researching the two different companies, EZ Go and Club Car, and stated EZ Go had the lowest bid and they had a four year warranty plan.

Mr. Petrak said with 72 carts that would be an average of 4 carts per hole, and asked if that was about the national average. Mr. Klick said depending upon how active they are, how many golf outings they have, or how many holes they have; they would have more golf carts. Mr. Klick and Mr. Petrak discussed what would happen if they needed more carts for a golf outing.

Mr. Hadley MOVED to approve Resolution 09-37 seconded by Vice Mayor Giambrone. Motion PASSED by unanimous voice vote.

#### Ordinance 09-31 Supplemental Appropriation

Clerk Bucheit read the Ordinance to make Supplemental Appropriations for the Fiscal year beginning January 1, 2009, and ending December 31, 2009, and to amend Ordinance 08-50, 09-02, 09-06 and 09-25.

Mr. Beach stated he is presenting a supplemental appropriation ordinance to adjust expenditures and revenues in the budget as minor changes are found. He explained he had changes in five separate funds and discussed the changes in 234 Fund, the 408 Fund, the 435 Fund, the 572 Fund, and the 771 Fund.

Mrs. Howard MOVED to approve Ordinance 09-31, seconded by Mr. Jarvis. Motion was PASSED by a roll call vote of 7-0.

#### Resolution 09-38 Accepting Amounts and Rates as determined by Budget Commission

Clerk Bucheit read a Resolution accepting the amounts and rates as determined by the budget commission and authorizing the necessary tax levies and certifying them to the County Auditor.

Mr. Kucera stated this is the third phase of the budget process for 2010. He reviewed what Phase I entailed, and explained the County Auditor prepared the preliminary tax rates and amounts they are projecting for the 2009 taxes, payable in 2010 based on the information the City provided. Mr. Kucera explained Phase II is where the City currently is with the budget review, and discussed the dates for the budget work sessions with the projected approval date being in December. Staff recommends approval of the case which accepts the amounts and rates as determined by the Budget Commission and certifies them to the County Auditor.

Mr. Leonard and Mr. Kucera discussed why it was called a ten mill limit. Mr. Leonard questioned who determines how much money each jurisdiction receives. Mr. Kucera stated the County does that based on each jurisdiction's operational needs.

Mr. Jarvis MOVED to approve Resolution 09-38 seconded by Mr. Leonard. Motion PASSED by unanimous voice vote.

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Resolution 09-39 Wright Brothers Memorial Endorsements

Clerk Bucheit read a Resolution supporting the Wright Flyer Monument

Mr. Petrak stated there is an organization that wants to build a Wright Brothers Memorial monument at the intersection of I-70 and I-75. He explained the organization requested the City endorse the idea and agree that it would be good for the region. He said the Resolution would support the idea, and stated that City funds would not be used for the monument.

Mr. Petrak MOVED to approve Resolution 09-39 seconded by Mrs. Howard. Mr. Leonard stated the organization is looking for corporate sponsorships for the monument. Motion PASSED by unanimous voice vote.

Liquor License

Extraordinary Burgers LLC/DBA EO Burgers - New

Chief Turner stated the Ohio Division of Liquor Control sent police notification of a request for a records check on applicants applying for a new liquor permit. The applicants, Mr. Michael C. Gibbons and Mr. Dennis Serras are applying for a D5 liquor permit for Extraordinary Burgers LLC, DBA EO Burgers, 4482 Glengarry Dr., Beaver creek, OH 45440 which is located within "The Greene." A records check on the applicants revealed no criminal record with this agency or in the State of Ohio.

Mr. Hadley MOVED to accept without comment, seconded by Mrs. Howard it was approved by unanimous voice vote.

Walgreen Co/DBA Walgreens – New

Ohio Division of Liquor Control sent police notification of a request for a records check on application for a new liquor permit. The applicants, Mr. Gregory Wasson, Mr. Mark Wagner, Mr. Dana Green and Mr. John Spina are applying for a C1, C2 liquor permit for Walgreen Co. DBA Walgreens #11510, 2269 N. Fairfield Rd., Beaver creek, OH 45440. A records check on the applicants revealed no criminal record with this agency or in the State of Ohio.

Vice Mayor Giambrone questioned if they would be able to sell beer and wine. Chief Turner said that was correct, and it would be similar to a carry-out situation. Mr. Hadley and Chief Turner discussed the type of permit they were requesting.

Mr. Hadley MOVED to accept without comment, seconded by Mr. Jarvis it was approved by unanimous voice vote.

CITY MANAGER'S REPORT

Mr. Cornell stated there will be a Joint Work Session with City Council and the Beaver creek City School Officials on Monday, October 5, 2009 at the School Administration Office at 6 p.m.

He explained Libby Chapman, Records Clerk with the Police Department, is the September employee of the month.

Mr. Cornell showed elevations of the Beaver creek Station, and said it would most likely be constructed in 2010 with no local dollars because of a number of different sources. He explained Mr. Joshi donated \$100,000; they previously received \$427,350 in federal funds through Miami Valley Regional Planning Commission, and the Ohio Department of Natural Resources donated \$150,000.

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Mr. Cornell thanked Mike Thonnerieux for putting together the third annual Try-A-Truck on October 1, 2009 from 10:00 a.m. to 1:00 p.m. at the Beavercreek Maintenance Facility. Mr. Thonnerieux thanked his staff for their hard work and stated the partnerships this year are the Beavercreek Fire Station, Channel 7, Miami Valley Hospital, and the Greene County Bookmobile. He explained a new feature this year is Safety City with Power Wheels that the children will be able to drive. He thanked the Public Service Department and the Parks Department for getting the equipment set up. He also thanked the companies that donated batteries; Charles Rowland, Demarey Insurance, Beef O'Brady's, and Performance Clinic.

#### Mayor's Report

Mayor Vann stated she and Mr. Jarvis attended the grand opening for the STEM School in Beavercreek and explained it is a unique school for the state and nation and Beavercreek is a stand-out location. She said they are currently located in the second level of the Clark State building and are looking for a permanent location. Mayor Vann welcomed them and wished them the best of success.

#### Council

Mrs. Howard questioned if anyone had heard about a date the Home Makeover show was going to air. Mayor Vann said a date has not been announced yet, but they have always estimated it would be the end of October or the first part of November. She suggested that Council periodically look at the website to see if there is any information that should be added or updated, and thanked Mike Frazier for the great job of keeping it updated.

Mrs. Howard congratulated Colonel Spacey, Base Commander, for the ground breaking on a security operation facility. She thanked the Parks Department and staff for putting together the Boards, Commission, and Committee Social. Mrs. Howard said on October 7, the City always records the candidates and issues forum and said that information will be available on Channel 5.

Mr. Leonard stated he has received two phone calls recently where people were confused about the City's driveway ordinance in the front yard, and asked Mr. McGrath to explain what the Ordinance says about gravel driveways in the front yard. Mr. McGrath explained existing gravel driveways are allowed to be maintained, but since 2005 no new gravel driveways have been allowed to be constructed. Mr. Leonard questioned if a front driveway could not occupy more than 25% of the front yard. Mr. McGrath stated that is was 35%. Mr. Leonard said that the Zoning Code has recently been updated, and is on the website if anyone is interested.

Vice Mayor Giambone stated she attended the ground breaking ceremony for the National Center for Medical Readiness, which is known as Calamityville. She explained three businesses were featured by the Dayton Business Journal last week with the CFO of the year award and they were James Lesch, Advant-e Corp and Edict System; Tom Mangan, James Investment Research, Inc.; Chris Albrecht, Ammon and Albrecht.

Vice Mayor Giambone explained on October 7, 2009 Ohio's booster seat law goes into affect. Mrs. Howard stated Officer Charmaine Hall is able to show anyone how to correctly install a booster or car seat.

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Mr. Jarvis stated the Beavercreek Senior Center held their 4<sup>th</sup> annual Celebrity Senior 8 Ball Pro Tournament on Wednesday. The winners were from Channel 7 News.

#### Unscheduled Speakers

Jose Gutierrez, 2533 Hillsdale Drive, representing the homeowners on Hillsdale Drive, stated the homeowners concerns are high traffic volume and speeding traffic. He explained people are taking the "shortcut" to avoid the delays on North Fairfield Road. Mr. Gutierrez reviewed the traffic studies that were completed in 2003, 2006 and 2009. He discussed the new construction projects that has been approved or projects that may be presented in the future that will impact the traffic on North Fairfield Road, which they believe will drive more people to use the Hillsdale Drive shortcut. The residents are concerned about safety, and Mr. Gutierrez gave some statistics regarding accidents on Hillsdale Drive, and stated one vehicle had been vandalized four times since it was parked on the street. He explained they have addressed Council previously regarding this issue and have not heard anything. Mr. Gutierrez stated the residents want this Council to hear about possible solutions at one of the future meetings this year, and said the residents have been working with Mr. Beach about solutions.

Mayor Vann explained Council has work sessions on the third Monday of each month, and issues like this are addressed at those meetings so Council can hear the different options that are possible to correct the problem.

Mrs. Howard asked when Mr. Beach would have some cost information for some of the solutions to bring forward to Council. Ted King, 2515 Hillsdale Drive, stated in 2006 they provided a solution and it was turned down because of the cost. He discussed several possibilities that were low cost to help control traffic speeds and the high volume of vehicles.

There was a discussion between Mayor Vann and Mr. King regarding what a work session is and what it entails.

Vice Mayor Giambrone requested the residents be notified when the work session will be. Mr. King requested the police department be notified regarding this matter also.

#### Executive Session

Mr. Petrak MOVED to enter into Executive Session at 8:03 p.m., pursuant to Section 121.22 of the Ohio Revised Code, for the purpose of employment of a public employee. Seconded by Mrs. Howard and was passed by roll call vote of 7-0.

Mr. Hadley MOVED to adjourn Executive Session, seconded by Mr. Petrak it was approved by roll call vote of 7-0.

Vice Mayor Giambrone MOVED to adjourn the meeting, seconded by Mr. Jarvis. The motion PASSED by roll call vote of 7-0.

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Mayor Vann

ATTEST:

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Deputy Clerk