

BEAVERCREEK CITY COUNCIL  
REGULAR MEETING October 26, 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.

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

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

Mr. Petrak MOVED approval of the minutes of the September 21, 2009 with changes. Motion was seconded by Mr. Hadley and was PASSED by unanimous voice vote.

Mr. Hadley MOVED approval of the minutes of the September 28, 2009. Motion was seconded by Vice Mayor Giambrone and was PASSED by unanimous voice vote.

Mr. Petrak MOVED approval of the minutes of the October 5, 2009. Motion was seconded by Mr. Hadley and was PASSED by majority voice vote. (Giambrone, Howard abstained)

PRESCHEDULED SPEAKER

911 Memorial – Marc Marderosian

Mr. Marderosian said his son contacted him approximately a month ago regarding a 911 Memorial where remnant pieces would be spread throughout the country, and asked if he would take the matter before the Council and see what kind of feedback he would receive. Council was unanimously interested in the idea. He stated he received a phone call from his son stating the New York and New Jersey Port Authority reviewed the letter he had written and said it was very complete and had all the information they needed. He was asked to inform the City Manager and Council that they will receive an official letter from the Port Authority stating that the request has been accepted. Mr. Marderosian requested his son be part of the committee for the memorial and he could be a liaison since he is located in New York. His son is going to check and see what other communities have applied for this honor, specifically in the state of Ohio. He stated if anyone had any questions they could contact the City Manager's Office and Mr. Cornell could contact him.

Youth Council Activities 2009-10 – Jenne' Christensen

Jenne' Christensen, President for the 2009-2010 school year, stated they have 28 members this year ranging from the ages of sixth grade through twelve grade. She explained they have students from Ankeney and Ferguson Middle Schools, Beaver Creek High School, St. Luke, and St. Brigid. Ms. Christensen stated they have 16 adult advisors, and they had their first meeting in June. The meeting in June was a team building meeting and a planning session with the adult advisors. They had a booth at the Popcorn Festival and they had a float in the Homecoming Parade. Their most recent event was their "Make a Difference Day", which was held October 24<sup>th</sup>. She stated they had over 100 volunteers, and they mulched Spicer Heights Park, they raked 14 senior citizens homes, and they served brunch, and dinner and did some babysitting at the Family Violence Prevention Center. Ms. Christensen stated they are hoping to host the High School Formal in January, a Senior Prom at Heartland Senior Center, a Middle

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School Dance, a Global Service Day in April, several more service projects, and a community event in May.

#### Halloween Safety – Chief Turner

Chief Turner stated the Police Department may receive more calls for service since Halloween does fall on a weekend this year. He said plan costumes that are bright and reflective, shoes should fit well, and costumes should be short enough to prevent tripping. He suggested for greater visibility consider adding reflective tape to costumes and bags, and using make-up instead of a mask to increase eye sight. Chief Turner advised when shopping for a costume, the labels read that they are flame resistant. He said only soft flexible swords and props should be carried. He recommended teaching children their phone number if they do not know it, and how to dial 9-1-1 if they become lost. On Halloween Eve, reinforce the stranger rules, do not permit children to bicycle, rollerblade, or skateboard while they are trick or treating. On Halloween night, use a flashlight to be seen, stay in a group and communicate, only trick or treat in well known neighborhoods, and if there are no sidewalks, walk on the farthest left edge facing traffic. He stated do not run across streets or between parked cars, never cut across yards or driveways, and only approach houses where the porch light is on or is well lit. Chief Turner explained never eat unwrapped treats or beverages, and do not eat any candy, fruit or other treats before getting home. Trick or treat is October 31 between 6 p.m. and 8 p.m.

#### ORDINANCE, RESOLUTIONS AND PUDS

Ordinance 09-29 Issuance of Bonds for Final Judgment Golf Course (Third 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.

Vice Mayor Giambone MOVED to approve Ordinance 09-29 with the title change, seconded by Mr. Hadley.

Mrs. Howard said there were two different numbers in the Ordinance, and questioned what the difference was with the \$2,000. Mr. Kucera explained the \$1,092,500 was the amount before the City paid down the \$57,500 that is required and it gets bounced back up for the issuance cost. Mrs. Howard referred to Page 2, and wanted to make sure the Finance Director and the Financial Administrative Director were the same people. She suggested making that more consistent with the correct title.

Motion was PASSED by unanimous voice vote.

Resolution 09-45 Approval for the Submittal of the U.S. 35 Interchanges Project  
Clerk Bucheit read a Resolution to authorize the submittal of the US 35 Interchanges Project for prioritization through the Dayton Regional Priority Development and Advocacy (PDAC) Committee.

Mr. Beach stated they are requesting permission to submit a portion of the U.S. 35 Interchange Project once more for this year's PDAC. He explained it is a process that the region goes through to prioritize regionally important projects and submit them to our federal legislators for priority for an earmark through the House of Representatives or the Senate. He explained they will keep this project in front of the eyes of the funding agencies.

Mr. Jarvis referred to the #18 on the questionnaire, and thought the City indicate none there. He questioned if this would provide two new jobs. Mr. Beach said yes because it is right-of-way acquisition and engineering consulting, and does not

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create as many jobs as the construction part of the grant. Mr. Jarvis stated it does not appear that two jobs count for any extra points in their point system. Mr. Beach stated the rating for the projects anymore are based on job creation, and until the City gets to the construction phase it will be tough to compete in this market for this particular funding.

Mrs. Howard MOVED to approve Resolution 09-45, seconded by Mr. Jarvis. Motion was PASSED by unanimous voice vote.

Resolution 09-46 Fairways at Canterbury Village Condominium Association Agreement

Clerk Bucheit read a Resolution to authorize the City Manager to enter into an agreement with Fairways at Canterbury Village Condominium Association for work along property owned by the City of Beavercreek Aka Beavercreek Golf Club.

Mr. Beach explained over the past several years the City has been working with the Homeowner's Association at Canterbury Village Condominiums to help them correct a problem that has occurred because of some faulty construction on a retaining wall. He discussed a map of the site and what work will be done to correct the problem.

Daine Schwab, representative of the Homeowner's Association, has appreciated working with the City of Beavercreek's employees David Beach and John Howlett. She said without their help, they could possibly not have won their law suit.

Mr. Leonard questioned the law suit they won was against the developer. Ms. Schwab said that was correct. She explained they have already received the settlement money, and have hired a local contractor to do the work.

Mayor Vann asked how this would improve the course. Ms. Schwab said the contractor will be creating a 3:1 slope, which will widen the rough area and make it more open for the golfers. She explained it will also make it a great view for the homeowners. Mayor Vann and Ms. Schwab discussed her career as a golfer.

Mr. Hadley questioned if a person was on the golf course, would they be looking at a wall. Ms. Schwab said yes and the wall will be gone. She explained the way the wall was constructed was all wrong, and discussed how the problem will be fixed. Ms. Schwab stated they will be funding all of the renovation.

Mr. Petrak reiterated there is no City money involved in this project, and it is strictly giving them approval to work on the City's property.

Vice Mayor Giambrone MOVED to approve Resolution 09-46, seconded by Mr. Hadley. Motion was PASSED by unanimous voice vote

#### CITY MANAGER'S REPORT

Mr. Cornell summarized the three Charter Amendments, Issues 8, 9, and 10, that will be on the ballot. Mr. Petrak said one of the pieces of literature they received from the League of Women Voters, who puts together the Voter's Guide, has the wording incorrect on these three items. He explained the correct wording is on the City's website or at the Board of Elections.

Mr. Cornell stated our thoughts and prayers are with the family of Gene Mitchell.

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Mrs. Howard explained last week she and Mr. Jarvis had an opportunity to participate in Operation Community Warfighter. Mr. Jarvis stated they had a unique opportunity to participate in Operation Community Warfighter since they were invited by Colonel Spacy. He explained it was a 24 hour activity where they were imbedded with the airmen who were receiving training as if they were being deployed to a remote location. They were provided equipment, and got to be in simulated war games. Mr. Jarvis said they were served meals ready to eat (MREs), and slept in the same barracks they would sleep in. He explained it was a very intense incredible experience, and left there with major appreciate for what troops go through. Mrs. Howard explained the opportunity was very overwhelming, and thanked the men and women who are in uniform who protect our freedom everyday. Mr. Jarvis and Mrs. Howard thanked Colonel Spacy for being able to take part in the experience.

Vice Mayor Giambrone had an opportunity to sit down with Brian Boyd, Principal of the STEM School. She explained the students transportation needs are being met. Mr. Boyd would like to come and speak to Council at a work session about the schools long term goals. Ms. Giambrone said there was not a rush, and could be put on the January or February work session agenda.

Executive Session

Mr. Petrak MOVED to enter into Executive Session at 6:47 p.m., pursuant to Section 121.22 of the Ohio Revised Code, for the purpose of consideration of the employment of a public employee or official and conference with the City attorney concerning disputes involving the City that are subject to pending or imminent court action, second by Mr. Hadley. Motion was PASSED by a roll call vote of 7 to 0.

Vice Mayor Giambrone MOVED to adjourn Executive Session, seconded by Mr. Leonard. Motion was PASSED by a roll call vote of 7 to 0.

Mrs. Howard MOVED to adjourn the meeting at 7:29 p.m., seconded by Mr. Leonard. Motion was PASSED by a roll call vote of 7 to 0.

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Mayor Vann

ATTEST:

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Deputy Clerk

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