

BEAVERCREEK CITY COUNCIL
REGULAR MEETING November 9, 2009 6:00 p.m.

Mayor Vann presented a Proclamation to Michael Stevens and Jered Austin from the Church of the Latter Day Saints.

PRESENT: Mr. Hadley, Mrs. Howard, Mr. Leonard, Vice Mayor Giambrone, Mayor Vann

ABSENT: Mr. Jarvis, Mr. Petrak

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

Mrs. Howard led the pledge and a moment of silence.

Vice Mayor Giambrone MOVED to excuse Mr. Jarvis and Mr. Petrak. Motion was seconded by Mr. Leonard and was PASSED by unanimous voice vote.

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

PRESCHEDULED SPEAKER

Animal Control- Dr. Brown

Dr. Brown stated they have a very loose knit contract that was designed several years ago with a very loose knit memorandum of agreement. He found the contract to be very good because the City or any Township can stop using it whenever needed. Dr. Brown discussed a sheet he passed out labeled "Service Guide", and what the contract entails. He explained when they need the Police Department's help; they are always available and are great to work with. Dr. Brown discussed the nuisance wildlife, and the majority of their calls are stray cats. He reviewed the Incidents Summary from 2008 and 2009 from calls within the City. Dr. Brown talked about the top 20 trapping residents in the City of Beavercreek, and is planning on reworking the recommendations because they do not want the trapping of nuisance animals to become an eradication process.

PUBLIC HEARING – PUD 02-3 MOD 9/09 Sunset Bluff Major MOD

Clerk Bucheit read on an application filed by Pickrel, Schaeffer and Ebeling, 2700 Kettering Tower, Dayton, OH 45423. The applicant requests approval of a major modification to eliminate the requirement for a construction access drive from Shakertown Road through the Hillside Chapel property by removing Condition #15 of PUD 02-3 SSP #1. The property is located west of North Fairfield Road and approximately 1330 feet south of Shakertown Road. The property is further described as Book 3, Page 16, Parcels 91 and 176 through 211 on the Greene County Property Tax Atlas.

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David Montgomery, Pickrel, Schaeffer and Ebeling, stated Condition #15 was an original condition from Council that was created when the rezoning and concept plan and specific site plan came forward for residential development. At that time, total build-out of the project was contemplated to be between three and five years. He explained it has now been seven years since the original application took place. Mr. Montgomery said Phase I of the development is close to being built-out, but still has several lots available. Phase II of the development has gone on-line, but not many lots have sold. The remaining portion of the property is unplatted.

Mr. Montgomery explained they are dealing with a situation that has extended well beyond the time period. The adjacent property, Hillside Chapel, where the easement runs, had committed them to this burden, and this request is basically a dual request from both Sunset Bluff LLC and Hillside Chapel. Mr. Montgomery explained the development is a custom home development, and because of the economy the housing market is slow. He said a major issue is the enforceability to use the easement for what it was intended to be utilized for, and explained several problems that have occurred. Mr. Montgomery stated Hillside Chapel has started to put together some long-term vision plans for their property and the easement will need to be removed. He didn't know of any other development within the City that was required to have an access road across a third party property in order for someone to develop their land, and requested the condition be removed.

Mr. McGrath summarized the staff report dated November 5, 2009, which stated this rezoning was approved in 2002. There were conditions added related to the construction traffic to try to address some of the citizen's concerns that were brought up during the public hearing portion of the meeting. At the time, it was stated there was an easement that was being worked out between Hillside Chapel and Sunset Bluff. Council passed a Motion that, until the access easement was in place and recorded, the specific site plan would not be considered for approval. The applicant did secure the easement with Hillside Chapel and had it recorded prior to the approval of the specific site plan. Mr. McGrath read Condition #15, and explained it was a three year requirement based on the estimated build-out of the project in three to five years and there were renewal clauses in the contract. He stated the City is not a party to the contract, and it is specifically between Sunset Bluff and Hillside Chapel. At any time the two parties could both agree to terminate the contract, and then the City is left with a condition that is unenforceable to limit the construction weight of vehicles on roads.

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Mr. McGrath said it has been well over three years, and discussed Phase I and II of the development. He said the sporadic build-out is not consistent, and the construction traffic will be sporadic. Mr. McGrath discussed several conditions, and Planning Commission and staff recommend approval of the case with 5 conditions.

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

Mrs. Howard MOVED, for the purpose of taking administrative action, approval of a PUD Major Modification for Sunset Bluff, PUD 02-3 MOD 9/09, 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 Major Modification approval as per §158.070 of the Zoning Code. Supplementary conditions required of this approval shall be as follows. I further move that this motion with all conditions be fully recorded in the minutes of this Council meeting.

1. All conditions of PUD 02-3, SSP #1 remain in full force and effect except where modified herein.
2. Condition #15 of PUD 02-3 SSP #1 that states "Other than vehicles under 6000 lbs. GVW, construction traffic related to this development shall use only the temporary construction access road described in the formally executed agreement between the applicant and The Hillside Chapel of the Christian and Missionary Alliance, labeled "Exhibit B", shall no longer apply and the applicant may use public streets to access the development subject to all applicable local and state laws.
3. The applicant shall restore the existing construction access drive to it pre-development state. All gravel shall be removed and the area shall be seeded. Any and all damage to Shakertown Road and associated land within the right-of-way shall be restored to the satisfaction of the City Engineer.
4. The temporary sign located at the northern end of the access drive shall be removed prior to the issuance of any additional permits for the Sunset Bluff Development.
5. All vacant lots within recorded platted sections of the development shall be seeded, mowed and maintained and shall be free from noxious weeds and construction debris.

Motion was seconded by Vice Mayor Giambrone and was PASSED by unanimous voice vote.

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Mr. Leonard thanked Hillside Chapel for the service they provided.

PUBLIC HEARING – PUD 08-1 Amendment 9/09 Hindu Community

Clerk Bucheit read on an application filed by John T. Burkhardt, Burkhardt Engineering Company, 195 Byers Road, Miamisburg, OH 45342. The applicant requests approval of an amendment to the original rezoning and concept plan for PUD 08-1 to eliminate the 50-foot buffer requirement along the eastern property line adjacent to Lot 1. The property is located on the west side of Lillian Lane and approximately 1300 feet south of New Germany-Trebein Road. The property is further described as Book 4, Page 4, Parcel 17 on the Greene County Property Tax Atlas.

Raj Sharma, representing the Hindu Community Organization, stated last month they presented the case in front of Planning Commission to get an amendment to move the buffer. He explained Planning Commission recommended approval unanimously and requested approval from Council.

Mr. McGrath summarized the staff report dated November 5, 2009, which stated the applicant is proposing to change the 50-foot buffer that surrounds the R-2 property that is owned by the same owner as Hindu Community. He explained they are requesting the proposed driveway expansion area be allowed within the 50-foot buffer and for the use of rooftop HVAC units. The units will be fully screened by the parapet wall. Mr. McGrath stated this is a three reading process, and the specific site plan case that is to follow can be voted on tonight or can be deferred to the third reading. A condition was discussed regarding this matter, and staff recommended approval of the case with 3 conditions.

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

Vice Mayor Giambrone MOVED to approve Ordinance 09-32 and send it to the second and third reading, seconded by Mr. Hadley. Motion was PASSED by unanimous voice vote.

PUBLIC HEARING – PUD 08-1 SSP#1 Hindu Community

Clerk Bucheit read on an application filed by John Burkhardt, 195 Byers Road, Miamisburg, OH 45342. The applicant requests specific site plan approval for 7.98 acres of land to allow for the construction of a 15,650 square foot multi-purpose building in addition to the existing Hindu Temple located on the west side of Lillian Lane and approximately 1300 feet south of New Germany-Trebein Road. The property is further described as Book 4, Page 4, Parcel 17 on the Greene County Property Tax Atlas.

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Raj Sharma stated Planning Commission recommended approval of the case, and they agreed to all the conditions that have been recommended by staff.

Mr. McGrath summarized the staff report dated November 5, 2009, which stated this PUD was approved in 2008 for the expansion of the Hindu Temple for multiple uses. He reviewed the surrounding properties' zoning districts, the building setbacks and buffers, the main access point and the traffic circulation in the parking lot, the required six-foot sidewalk staff is requiring, the building design, the building elevations, the landscaping requirements, the stormwater management, and the lighting requirements. He explained there was no signage submitted with this application, and staff is recommending approval of this case with 28 conditions.

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

Mrs. Howard questioned if staff felt there was enough lighting to not bother the neighbors, but to keep enough security on the property. Mr. McGrath discussed the requirements of the foot candles for security purposes and at the property lines and explained cut-off fixtures are required. He stated staff will be reviewing the photometric plan before the zoning permit is approved. Mrs. Howard referred to Condition #25 and questioned what a "bumper block" was. Mr. Beach stated it is a parking block, which keeps the wheels back from the sidewalk and keeps the front of the vehicle from overhanging into the sidewalk.

Mr. Leonard questioned if Council could approved this application tonight, but it would not take effect until the Ordinance is passed. Mr. McGrath said that was correct, and was Condition #27 in the Motion.

Mrs. Howard MOVED, for the purpose of taking administrative action, approval of a PUD Specific Site Plan for the Hindu Community Organization of Dayton, PUD 08-1, SSP #1, 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. 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 November 4, 2009" except as modified herein.
2. The approved elevations for the 15,650 square foot building shall be the architectural drawing and the associated color renderings dated "Received November 4, 2009."

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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. A detailed landscape plan shall be reviewed and approved by the Planning Department prior to the execution of the required PUD Agreement and the release of a zoning permit for the building. The final landscape plan shall include two additional shade trees in the main entry landscape island, and the relocation of the shade tree and eight evergreen shrubs along the eastern entryway, as shown in Exhibit 1.
6. Final cut sheet details and photometric plans for the lighting of the site shall be reviewed and approved by the Planning Department, prior to the issuance of a zoning permit.
7. Maximum mounting height for any parking lot fixture shall be 16 feet. Lights in the parking lot shall be reduced to no greater than 25 percent illumination level within two hours after closing.
8. All pole-mounted lighting shall be located within a landscaped or concrete island and shall not be permitted to be located within any designated parking stall for the site. This shall be reflected on the photometric plan prior to the release of a zoning permit.
9. 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.
10. 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.
11. All man, service, loading dock and garage doors shall be painted to match the building per the approval of the Planning Department.

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12. 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.
13. 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 project.
14. 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 zoning permit.
15. All roof top mechanical units shall be completely screened from view from all directions with architectural features (roof forms or parapets).
16. Downspouts shall be internally mounted and shall not be visible on the exterior of the structure.
17. The parking lot shall be kept in good condition. The City Engineer reserves the right to determine if the parking lot pavement condition is in disrepair and has not been maintained in a commercially acceptable condition, and that improvements are required. Those improvements shall be completed in a timely manner to the City Engineer's satisfaction.
18. No portion of this building may be occupied for the first time or reoccupied later until and unless an application of a Certificate of Use Compliance has been submitted to the City by the property owner or by a prospective occupant. No such occupancy may occur until the application of Certificate of Use Compliance has been approved and issued by the City.
19. All split-face block, EIFS, or concrete masonry unit block will be of integral color and not a material that is painted on the outside only.
20. Any portion of the site disturbed by grading and on which no construction occurs within three months after completion of the site grading shall be planted with appropriate ground cover and properly maintained.
21. The final site plan shall include two additional crosswalks in the main access drive as shown in attached Exhibit 2.

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22. The final architectural elevations shall show the decorative white EIFS base to wrap all four elevations of the building entirely. The final design shall be reviewed and approved by the Planning Department prior to the release of a zoning permit.
23. The faux windows on the south and east elevations shall be raised to the center of the wall. The final design shall be reviewed and approved by the Planning Department prior to the release of a zoning permit.
24. No outdoor speakers shall be installed or used on this site.
25. The sidewalk around the building shall be widened to 6 feet. In lieu of widening the sidewalk, the applicant can install bumper block on all parking spaces that abut the sidewalk around the structure. The final design option shall be reflected on the plans prior to the release of a permit.
26. The future expansion of the existing temple, labeled on the site plan as "Future Expansion of Existing Building (11,565 SF)" is not part of this application.
27. This approval is contingent on the approval of C-PUD 08-1 AMEND 9/09, and shall not become effective until the aforementioned PUD Amendment case becomes officially effective. Should C-PUD 08-1 AMEND 9/09 be disapproved, this site plan shall be null and void.
28. The decorative two metal panels on the east elevation that cover the white EIFS columns shall be removed. The final design shall be reviewed and approved by the Planning Department prior to the release of a permit.

Motion was seconded by Mr. Hadley and was PASSED by unanimous voice vote.

PUBLIC HEARING – PC 09-5 ASRA Frisch's Restaurant

Clerk Bucheit read on an application filed by Frisch's Restaurant, 2800 Gilbert Avenue, Cincinnati, OH 45206. The applicant requests an Administrative Site Plan Review and Approval (ASRA) for 3.14 acres of land for the construction of a 4,978 square foot restaurant located on the west side of North Fairfield Road and directly across from Beaver Vu Drive. The property is further described as Book 5, Page 7, Parcels 36, 37 and 38 on the Greene County Property Tax Atlas.

Michelle Blatnik, Kleinger's and Associates, explained they worked closely with staff. She explained they modified the details of the plan and believed they worked well with Planning Commission.

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Mr. McGrath summarized the staff report dated November 5, 2009, which stated the property is zoned B-2, and a restaurant is a permitted use within the district. Mr. McGrath showed an aerial vicinity map, and discussed the surrounding properties and the proposed site location consisting of three lots. He reviewed what currently exists on the three properties, and explained the access will line up with Beaver Vu Drive where a traffic light will be installed in several years. Mr. McGrath discussed the zoning district of the parcels under review and the surrounding properties' zoning districts, the setback requirements, the building design, the building elevations, the parking and transportation requirements, the cross-access easement required for a stub connection to the north and south properties, the screening and landscaping requirements, the grading plan, the lighting and the signage requirements. Staff is recommending approval of this case with 27 conditions.

In public input, Rebecca Koesters, 3568 Crab Orchard Avenue, said she is aware that a light would be installed at Beaver Vu Drive, but was concerned about bringing people into a very congested area on North Fairfield Road. She questioned if that issue has been addressed or how is it being address.

James and Angel Ashbrook, 1270 Enochs Drive submitted written input. The email is attached.

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

Mr. Hadley stated the hours of operation and the construction hours have both been addressed in the Motion as Conditions #25 and #26. He referred to Condition #27, and wanted to make sure there would be ongoing protection for the neighbors from headlight spillover. Mr. McGrath said another condition could be added regarding this matter.

Vice Mayor Giambrone agreed with Mr. Hadley, and wanted to make sure they were talking about significant screening being installed, enough though the property line was 200 feet away. She was concerned since some of the vegetation will be removed during the grading on the property.

Mr. McGrath explained he would recommend adding a Condition #28 to require additional landscaping, maybe multiple rows of coniferous trees in the northwest portion of the property. He also suggested that staff would reserve the right to determine if there are gaps that need to be filled prior to the release of the bond.

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Mr. Hadley questioned if the pond would be a dry pond. Mr. McGrath stated that was correct.

Mr. McGrath stated one of the biggest problems currently is the traffic movement by Marion's, Tim Horton's, the Kimco retail development, and the Jarusiewicz property across North Fairfield Road. He discussed all the access points on North Fairfield Road, and stated that is one of the things the City wanted to mitigate and the reason for a traffic light at Beaver Vu Drive. Mr. McGrath showed where the access drive will come out of the Kroger Development, and did not believe there would be any left turns onto North Fairfield Road from the access point next to Marion's Piazza because it will be a lot easier to make a left turn at the light. He explained the future goal is to get a parallel road up to the Jarusiewicz property on the west side of North Fairfield Road, so they would be able to take a left at that signal.

Mr. Hadley questioned when they were planning on installing the signal. Mr. McGrath stated it is proposed for 2012.

Mrs. Howard said the proposed project is going to have a left turn out, and wanted to know when the completion would be of the Frisch's project. She questioned if there would be anything they could do to not allow left turns out of the Frisch's Restaurant. Mr. McGrath stated if the project does get approved, it would be completed by fall 2010. He explained they would like to prohibit left turns out of the site, but there are no other access points available to the site that was for Tim Horton's. Mrs. Howard asked Mr. Beach's opinion regarding the traffic concerns. Mr. Beach stated the City has the Federal grant for the project for 2012 and the engineering starts in 2010. He said Council could require some turning restrictions on the development, and thought their customers would find it hard to utilize the site until the light is installed. Mr. Beach explained since the City knew the light improvement was in the works, they were adverse to put a \$120,000 burden on the developer. He thought Council could put restrictions on the site, but that was not his advice at the Planning Commission meeting.

Mr. Hadley did not agree with putting a restriction on left turns out of the site. Mr. Beach explained the applicant has worked with the City, and has agreed that they dedicate right-of-way for the signal at no charge to the City as part of their plat. He stated the cross-access easement will be a great benefit to the City by allowing the properties to the north and the south to have access to the light.

Mayor Vann questioned if there was any way to expedite the signal. Mr. Beach said it involves Federal money, and since the traffic signal poles have to be eight feet deep, an environmental study must be done. He stated the environmental study would be completed in 2010. Mayor Vann asked if the money would be

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available January 1, 2012 for the project. Mr. Beach explained the City is counting on the grant in 2012 even though it was for 2013 money. He stated since it is such a small amount MVRPC works with the City to move smaller projects forward when there are excess surplus funds available. Mayor Vann questioned if they could bump the project to 2011. Mr. Beach stated it is highly unlikely that they would get the environmental and the engineering approved by that point, but it is the City's goal to move as fast as they can on the project.

Mr. Hadley asked how much money was involved in the environmental study. Mr. Beach said it is approximately a \$5,000 expense.

Mrs. Howard asked, if she was making a left turn out of the project, what the grade of the property was. Mr. Beach stated the driveway will be at street grade, and there is an existing center lane in the 5 lane pavement on North Fairfield Road. Mrs. Howard questioned where the ground sign would be located. Mr. McGrath said it is on the south side of the access point, and will not cause any line-of-sight problems. Mr. Hadley felt the southern location is appropriate. Mr. McGrath stated Condition #17 would need to be amended. Mrs. Howard asked if Mr. Beach was comfortable with the way this project is proposed until the light is installed, and Mr. Beach said he was comfortable with it. He agreed it will create more traffic, and there will be more accidents because there are more drivers having to make decisions, but it is typical of what you find on an arterial roadway.

Mr. Leonard asked if there were any Frisch's Restaurants that are open 24 hours a day. Dennis McCoy, Frisch's Restaurant, believed there were two out of their 83 stores that are open 24 hours a day. He explained those are located on I-75 in Kentucky. Mr. McCoy said this location has not been scheduled for a 24 hour restaurant. Mr. Leonard thought if there was any dirt left over from the excavating of the pond; it could be used to create a mound near the northwest corner of the property. Mr. McGrath said there are existing trees currently, and a mound could not be installed unless trees were removed. Mr. Leonard suggested adding shrubs on the northwest corner of the pond to prevent light spillover from customers using the drive-thru. Mr. McGrath showed the landscaping plan, and showed the applicant is proposing to install shrubs at the northwest corner of the parking lot which is also addressed in a condition.

Mr. Leonard and Mr. McGrath discussed the lighting plan and the type of fixtures that will be used. Mr. Leonard referred to the access road to the north, and questioned if the same type of access should be provided to the south. Mr. McGrath said it is a matter of meeting the parking requirements, and there will always be a possibility that the access will be continued to the southern property line if that site redevelops.

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Vice Mayor Giambrone said one of the neighbor's concerns was the noise of the drive-thru, and asked if it was addressed. Mr. McGrath explained it was addressed in Condition #22. Vice Mayor Giambrone wanted to make sure Mr. and Mrs. Ashbrook are contacted, and the answers are given to the questions they raised.

Mrs. Howard MOVED to table PC 09-5, seconded by Mayor Vann. Motion was PASSED by majority voice vote. (Hadley, Leonard)

Mr. Hadley wanted to make sure the changes they suggested are included in the Motion, and they are given an updated copy at the next meeting. Mr. McGrath stated they will revise the Motion, and it will be discussed at the next meeting.

ORDINANCE, RESOLUTIONS AND PUDS

Resolution 09-47 To make Application for the Edward Byrne Justice Assistance Grant

Clerk Bucheit read a Resolution to authorize the application for the Justice Assistance Grant for Law Enforcement on behalf of the Beavercreek Police Department.

Chief Turner explained they are asking permission to apply for a Federal Grant to purchase some equipment. They requested this grant last November to replace the cameras in the Police building. Chief Turner stated this year they want to address a lot of the complaints they receive on traffic enforcement, and are proposing to purchase radar devices that are posted on speed limit signs. The radar devices will track the speeds of the vehicles, and will provide a speed print out of the vehicle going through the neighborhood. Chief Turner explained they are going to purchase three, and said it is another tool they are going to use when they can't be in the neighborhoods.

Mr. Leonard questioned if they are battery operated. Chief Turner explained they are battery operated and will last up to a week. He said they had one they tested on Grange Hall Road on a trial basis, and it lasted a little over a week.

Mayor Vann asked if they were rechargeable. Chief Turner stated they are rechargeable.

Mr. Hadley questioned if the device will record. Chief Turner stated that was correct, and this system has the visual with it.

Vice Mayor Giambrone MOVED to approve Ordinance 09-47, seconded by Mr. Hadley. Motion was PASSED by unanimous voice vote.

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Resolution 09-48 To authorize the City Manager to enter into an agreement for Beavercreek Station

Clerk Bucheit read a Resolution to authorize the City Manager to enter into an agreement with the Joshi Foundation and UES, Inc. for the administration of a planned gift to the City for the Beavercreek Station Project, PID No. 81196

Mr. Beach stated Mr. Joshi has signed the agreement to make a donation of \$100,000 to the Beavercreek Station Project totally funded with no City funds. He explained the plans are finished, and they are ready to bid the project out.

Mayor Vann stated they are very appreciative of Mr. and Mrs. Joshi and their contribution.

Mr. Hadley MOVED to approve Resolution 09-48, seconded by Mrs. Howard. Motion was PASSED by unanimous voice vote.

Resolution 09-49 Adopting Performance Evaluation Criteria

Clerk Bucheit read a Resolution by the Council of the City of Beavercreek adopting Performance Evaluation Criteria for the review of the City Manager's and Clerk of Council's performance and establishing procedures for processing the evaluation forms.

Vice Mayor Giambrone stated she has been appointed to create a practice and policy that Council can agree to. She explained included in Council's packet is an evaluation process for both the City Manager and the Clerk of Council, the two positions which they are responsible for their employment. She discussed there was a timeline and a policy that could be amended at any time, and also included is the evaluation form for both positions. Vice Mayor Giambrone stated the policy allows for the opportunity of outside feedback from the community for both positions. Council is able to choose a citizen that has worked with him/her to provide Council with some independent feedback. An opportunity was added for both of them to give a self evaluation too. She explained Council agreed to combine the feedback, and share it with the Clerk and the City Manager in a face-to-face evaluation. After the evaluation, Council will take that feedback, and bring it back to Council and share it with the public in a unified way.

There was a discussion between Mr. Hadley and Vice Mayor Giambrone regarding the first bullet on Page 2 of the City Manager's Evaluation Process.

Vice Mayor discussed, in the past, the evaluations were not done in a timely manner, and it clarifies what the dates are and the timeline. She explained those are the goals, and everyone should work hard to reach those dates.

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Mr. Leonard and Vice Mayor Giambrone discussed the fourth bullet point on Page 2 of the City Manager's Evaluation Process.

Mrs. Howard said this is a very thorough evaluation process, and thanked Vice Mayor Giambrone for her hard work and coordinating it. Vice Mayor Giambrone thought it was testament to the Council that everyone was willing to change the process. She felt the opportunity to include people from the outside to give feedback is exceptional, and appreciated that Mike and Chris were open to that idea. Vice Mayor Giambrone said by having policies, it lets the citizens know that the Council is unified on how it is done and makes it a professional process.

Mr. Leonard stated it is a big improvement to how it was done in the past.

Mr. Leonard MOVED to approve Resolution 09-49, seconded by Mr. Hadley. Motion was PASSED by unanimous voice vote.

CITY MANAGER'S REPORT

Mr. Cornell stated this coming Wednesday is Veteran's Day, and there will be a celebration at the Veteran's Memorial at 2:00 p.m. On Veteran's Day, the Beaver Creek Public Works Department will be closed and if anyone needs assistance they can contact City Hall at (937) 427-5510.

Mr. Cornell said the City has hired a new Fiscal Officer, Theresa Hathaway. Her previous employer was the State Auditor's Office where she was employed as an Audit Manager. Mr. Cornell stated she has a B.S. in Accountancy from Wright State University, and is a Beaver Creek resident.

Mr. Cornell congratulated Chris Bucheit for being October Employee of the Month. He stated she was hired in October 1998 in the Finance Department, and is currently the Clerk of Council.

Mr. Cornell stated Monday, November 16th, is the third Budget Work Session. The meeting will be held in the Council Chambers at 5:00 p.m. He explained they will be discussing the street funds and capital improvement projects.

Mayor's Report

Mayor Vann discussed the Extreme Home Makeover show that was aired on Sunday of the Terpenning family. She thought they did a great job with the show, and it was an awesome story. Mayor Vann stated it was great that Fox 45 made last week, Beaver Creek Week, and invited lots of residents and businesses to speak on behalf of Beaver Creek and celebrate our strengths and the great things about our community.

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Mayor Vann stated she received a letter that impacts the budget. She explained the letter asked if a sidewalk could be added onto Beaver Valley Road to Dayton-Xenia and Factory Roads connecting to the bike path. It would help students get to the schools and to the bike path. By adding the sidewalk, it would also help the traffic flow since no one would be walking on the side of the road. The person requested this be discussed at the next meeting, and an answer be provided.

Vice Mayor Giambrone congratulated Mr. Hadley, Mr. Jarvis, and Deborah Wallace for being elected to serve on Council. She thanked the residents for voting for the Charter amendments and changes. She also thanked Chris Bucheit and Diane Gould for collecting the money for the City employee who passed away. Vice Mayor Giambrone stated the family received a remembrance blanket, and staff was given administrative time to attend that funeral.

Mrs. Howard wanted to thank the Moose Lodge for honoring the fire and police this past weekend. She explained this is an annual event. She stated in regards to the Extreme Home Makeover, she wanted to make sure staff was recognized and thanked also.

Mrs. Howard congratulated the employees with anniversaries in November and thanked them for their services; Jennifer Kochaney 20 yrs, Daniel Krall 8 yrs, David Majercak 8 yrs, and Robert Eggleston 2 yrs.

Mr. Hadley thanked the voters in Beavercreek and everyone's comments. He explained his grandson was helping him pick his political signs up and lost his IPOD. Mr. Hadley thanked three citizens who offered to help him and his grandson find it.

Mr. Hadley stated on Wednesday, November 11th, from 6:30 p.m. to 8:00 p.m. the Chamber of Commerce Retail Merchants Association Holiday Open House Kick-Off Party is taking place at Rotary Park. He explained they will have refreshments, a bonfire, Santa will be there, and crafts and cookie decorations for kids.

Executive Session

Mrs. Howard MOVED to enter into Executive Session at 8:25 p.m., pursuant to Section 121.22 of the Ohio Revised Code, for the purpose of consideration of preparing for negotiations with public employees, second by Vice Mayor Giambrone. Motion was PASSED by a roll call vote of 5 to 0.

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

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Mrs. Howard MOVED to adjourn the meeting, seconded by Mr. Vice Mayor Giambrone. Motion was PASSED by a roll call vote of 7 to 0.

Mayor Vann

ATTEST:

Deputy Clerk
Cmin102609