

BEAVERCREEK CITY COUNCIL
REGULAR MEETING October 12, 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.

Mayor Vann led the pledge and a moment of silence.

Mrs. Howard MOVED to approve the agenda removing Youth Council Activities 2009-10. Motion was seconded by Vice Mayor Giambrone and was PASSED by unanimous voice vote.

Mr. Hadley MOVED approval of the minutes of the September 14, 2009 meeting. Motion was seconded by Mr. Jarvis and was PASSED by unanimous voice vote.

PRESCCHEDULED SPEAKER

Greene County Council on Aging

Karen Puterbaugh stated on November 3rd, the Senior Services Levy (Issue 6), will be on the ballot. She explained in the past they have asked for a 0.8 mill levy and they are requesting that again with an additional 0.2 mill. Ms. Puterbaugh stated the senior population is growing tremendously, and their job is to help people age as positively as possible. She explained their organization is a non-profit organization, and through the Ohio Revised Code they are permitted to have a senior services levy on the ballot. The levy provides 93% of their budget, and 68% of that goes to the Partners and Care Program.

Ms. Puterbaugh said another area they spend a lot of energy is Medicare check-up. She explained they help educate seniors on the options of health care, so they can make the best decisions for their situations.

She stated 23% of their budget goes to the Senior Center Grants. The grant that is provided to the senior center provides over 30% of their budget, so the levy has a very large financial impact to the Beavercreek Senior Center. Ms. Puterbaugh explained 6% of their budget goes to the Kinship Program, which is grandparents raising grandchildren or anyone who steps in to raise children that are not their biological children. She said 3% of their budget is administration and overhead and they work hard to keep that figure low, and try to make sure the dollars that are coming from the community go back out to the community.

Ms. Puterbaugh said the levy is an increase, and explained on a 100,000 home, the cost will be \$30.62 a year. She invited anyone to contact their office or go onto their website which is www.gcco.org.

Lee Duteil stated the levy serves all of Greene County, but the Beavercreek center would be shaken without the support they get from the Council of Aging. Not just the coordinator and the caregiver come there to serve them, but a large portion of that goes to the transportation program. He said there were well over 8,000 people transported to various places last year. Mr. Duteil explained anyone over 55 is able to use the facility, and they have made the membership fee low and affordable. He explained they have a caregiver group that meets twice a month at the center and there is a Senior Resources Coordinator from Council of Aging that comes to the center twice a month also.

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Kemp Road Bike Path – Walter Lichtenberg

Mr. Lichtenberg discussed an aerial view of Kemp Road/El Cid Drive/Crab Tree Drive. He explained there is a bikepath that connects Crab Tree Drive to El Cid Drive which opens up into Zimmer Estates. Mr. Lichtenberg showed the termination of the bikepath that was required to be put in by the developer for the property on the corner of North Fairfield Road and Kemp Road. He requested a project be established to complete the 120 feet of bikepath to connect the two together so it would be continual.

ORDINANCE, RESOLUTIONS AND PUDS

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

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

Mr. Howard MOVED to approve Ordinance 09-28, seconded by Mr. Hadley. Motion was PASSED by unanimous voice vote.

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

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

This Ordinance moves automatically to the Third Reading.

Ordinance 09-30 Reduce Speed Limit through Construction Zone (Third 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.

Mr. Hadley MOVED to approve Ordinance 09-30, seconded by Mrs. Howard. There was a discussion between Mr. Hadley and Mrs. Howard regarding the posting of the new 25 mph signs when this Ordinance goes into effect and the existing 40 mph signs. Mr. Beach stated the City would be removing the orange 25 mph signs, and replacing those and the white 40 mph signs with white 25 mph signs. He explained there will be a plaque below them informing people of a reduced speed rate.

Mayor Vann talked about the number of accidents in the construction zone related to speed. Mayor Vann questioned if construction would stop during the winter months. Mr. Beach said that would depend upon the weather. Mayor Vann asked if the City has thought about an overall policy in Beavercreek regarding construction zones. Mr. Beach said he is in favor of having uniform policies, and discussed the major difference with this construction zone is the amount of driveways. He explained other project that will be similar is the Indian Ripple Road Project that will start in spring 2010, and if Council would like, a uniform policy could be created.

Mr. Jarvis discussed the information Chief Turner sent him regarding the accidents, and was convinced this Ordinance needed to be passed for safety reasons.

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Mr. Leonard felt the speed limit should still be reduced during the winter months because construction will still be going on, and was concerned that citizens will think this a permanent reduction. Mr. Beach stated they can add some other signage that will clarify the speed limit is for the construction zone, and could do some other advertising on the cable channel.

Mr. Cornell stated in the past the City has not had a lot of continuity as it relates to construction zone volume issues, and he has already moved this issue onto the January work session slot because he believed the City needs to develop some consistency as it relates to construction zones.

Mr. Hadley stated the reason for lowering the speed limit is for safety purposes, and when the construction is complete it will revert back to 40 mph.

Motion was PASSED by unanimous voice vote.

Resolution 09-40 Application for funding for SAFETEA LU Projects

Clerk Bucheit read a Resolution to authorize the submittal of applications for Federal SAFETEA-LU Funds through the Miami Valley Regional Planning Commission.

Mr. Moorman stated recently the Miami Valley Regional Planning Commission (MVRPC) circulated a request for new projects for regionally controlled federal transportation funding. The grants are awarded on a competitive basis and the construction funding is available as early as July 2014. The Engineering Division has reviewed the requirements, and has generated a number of applications that are suitable under the grant program. He explained when putting these projects together, they assigned priorities to each project since it was required by the application process. Mr. Moorman discussed the six projects and what the project entailed.

Mayor Vann asked if they considered the enhancement project at the intersection of I-675 and The Greene. Mr. Moorman stated the City is limited on transportation enhancement monies, and they already have the one project at I-675 and Indian Ripple Road.

Vice Mayor Giambrone questioned how the priorities are set. Mr. Moorman said staff looks at the heaviest traveled roads and the most congested areas in the City. Vice Mayor Giambrone asked, if the project wasn't listed in the top three, if the City would look for other opportunities to find funds for those. Mr. Moorman said that is correct, and the real importance of the ranking is that MVRPC has a point system. Vice Mayor Giambrone asked Mr. Moorman to explain what will happen to the bulk of the money past the grant funding since the project is significantly more than the grant requested. Mr. Moorman stated the rest of the monies needed typically come from the street levy monies, and explained it is spread out over a number of years and not all at one time.

Mr. Jarvis referred to the second and sixth project, and questioned what the centrally controlled off-site traffic signal system is. Mr. Moorman discussed the current project and explained it is wired with fiber optic cable back to City Hall where the central controller will be set up to control the whole system. Mr. Jarvis spoke about the Grange Hall Road at Shakertown Road Intersection Reconstruction Project and questioned why it does not meet current design standards. Mr. Moorman stated the shoulder and lane widths do not meet current standards which is a safety issue. Mr. Jarvis asked how much right-of-way purchases would need to be made with the Dayton-Xenia Road at Grange Hall Road Streetscape Project. Mr. Moorman said they would be very minor purchases primarily to fit the street lighting and seating wall in. Mr. Jarvis referred

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to the Grange Hall Widening Project and the North Fairfield Road Widening Project, and said there was reference to some Bicycle Advisory Committee comments that could not be incorporated and questioned why those could not be incorporated into this grant funding. Mr. Moorman said the City did it's best to accommodate them by adding shoulders and sidepaths. He stated the issue is if the bike lane does not connect to anything it is hard to spend the money, and explained if there was a logical connection to the bikeway in the future the road could be re-stripped and provide an adequate width for a bike lane.

Mr. Hadley referenced Projects #4 and #5, and questioned why they were ranked as they were. He felt that the North Fairfield Road Widening Project should have a higher priority than the Dayton-Xenia Road at Grange Hall Road Streetscape Project. He questioned if the reason they were in that order was because the City is more likely to get the streetscape money than the extra widening on North Fairfield. Mr. Moorman stated that was correct. He explained the point system at MVRPC award extra points to the projects listed as 1, 2, and 3, and Projects 4, 5, and 6 will receive equal points.

Mrs. Howard commended them for using the Complete Streets Concept. She referred to the Grange Hall and Shakertown Road Project, and said if a person was heading south on Grange Hall Road the buses are having a problem making the radius turning west onto Shakertown Road. Mrs. Howard wanted to make sure that was considered in the reconstruction of the project. Mr. Moorman stated he was aware of the issue, and that has definitely been taken into consideration.

Vice Mayor Giambrone MOVED to approve Resolution 09-40, seconded by Mrs. Howard.

Ralph Speelman, Beaver Creek Bikeway Advisory Committee, stated both Grange Hall Road and North Fairfield Road are arterial connections as designated by MVRPC, and because of the speed and volume of traffic it is highly recommended that bike lanes are installed. He explained what is being proposed with the grant funding does not meet the guidelines. Mr. Speelman said he continues to hear that there would only be a section that would be marked, and stated eventually the connections will be there. He suggested again, the City use the guidelines lines by the American Association of State Highway and Transportation Officials, AASHTO, and incorporate bike lanes as suggested by those standards.

Mayor Vann questioned if Mr. Moorman stated they were making the street wide enough, but they were just not painting it. Mr. Moorman stated that was right, and they would be providing four-foot shoulders on this project. He explained if in the future it was a decision to go with bike lanes, it would be a matter of re-stripping the roadway.

Mr. Jarvis asked if the road is wide enough, why not go ahead and stripe it. Mr. Moorman stated it was because there was no logical connection to tie that bike lane into. Mr. Jarvis questioned when will the update be done to the Thoroughfare Plan and the Bikeway Plan. Mr. McGrath stated this issue is on the work session agenda for next Monday's meeting.

Motion was PASSED by unanimous voice vote.

Resolution 09-41 Approving Application for funding of Highway Safety Program (HSP) Project

Clerk Bucheit read a Resolution to authorize the submittal of an application for funding through the Highway Safety Program (HSP) for the North Fairfield Road Widening over I-675 Project.

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Mr. Beach stated the City previously received a grant for a safety study and approximately 1 mil in improvements at the intersections of the I-675 ramps and North Fairfield Road. He said while ODOT is performing engineering on those projects, they found another opportunity to fund another segment of that study, which was the additional southbound lane that would go from the southbound off-ramp to the northbound off-ramp, for an additional south bound lane. He explained they are going to work that in with a resurfacing project coming up on I-675. Mr. Beach said the City has applied for a 10% share of that project.

Mr. Hadley MOVED to approve Resolution 09-41, seconded by Mr. Petrak.

Mr. Beach and Mr. Jarvis discussed where the third lane would be located.

Motion was PASSED by unanimous voice vote.

Resolution 09-42

Clerk Bucheit read a Resolution to authorize the City Manager to enter into a LPA Federal Project Agreement with the Ohio Department of Transportation for the project known as the Beaver Vu and North Fairfield Road Signal Project, PID No. 86974.

Mr. Moorman said the City received a notice from MVRPC stating the City was receiving a grant for the construction of a new traffic signal at North Fairfield Road and Beaver Vu Drive. The Ohio Department of Transportation, ODOT, is requesting the City enter into an agreement with ODOT for the administration of the rest of the project. He stated the design work is scheduled to begin in 2010 and construction in 2012.

Mr. Jarvis said the summary report states this is advantageous to the proposed development to the west, and questioned what the proposed project was. Mr. Moorman explained there is a proposed Frisch's Restaurant.

Vice Mayor Giambrone MOVED to approve Resolution 09-42, seconded by Mr. Hadley. Motion was PASSED by unanimous voice vote.

Mr. Leonard asked if there was a future thought that Beaver Vu Drive would cross over North Fairfield Road and loop north to connect with Dayton-Xenia Road. Mr. Moorman stated that was removed from the Thoroughfare Plan, and when the Frisch's is constructed the City is looking to have connectivity to the properties to the north and south of the development so they could have access to the signal.

Resolution 09-43

Clerk Bucheit read a Resolution to authorize the City Manager to enter into a LPA Federal Project Agreement with the Ohio Department of Transportation for the project know North Fairfield Road Signal System Improvement, PID No. 86976.

Mr. Moorman stated the City obtained funding for the North Fairfield Road Signal Project. The project connects to the signalization project currently being constructed that extends fiber optic cable from North Fairfield Road to Lantz Road to the I-675 ramps and along Pentagon Boulevard to Royal Gateway and on New Germany-Trebein Road to Lillian Lane. There are 17 signals involved in the project, and it includes the replacement of several controllers, signal heads, pedestrian heads, and cameras. He said this will tie into the system here at City Hall when it is completed. The design work is scheduled to begin in 2010 and construction is planned in 2012.

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Mr. Petrak referred to 17 signals, and asked if it was 17 signal heads or 17 locations where there are signals. Mr. Moorman stated there are 17 signalized intersections. Mr. Petrak questioned if he knew how many signal heads there were. Mr. Moorman explained there were two per approach at least. Mr. Petrak questioned how much a new signal head cost. Mr. Moorman explained with the LED lighting they cost more and believed they were approximately \$350 per lens.

Mr. Jarvis MOVED to approve Resolution 09-43, seconded by Vice Mayor Giambrone.

Mr. Leonard questioned why the City would replace signal heads if they are just synchronizing. Mr. Moorman stated a lot of the lenses are going to get replaced with a more energy efficient bulb and they will be more visible.

Mr. Hadley said the cost is recovered in a relatively short time because of the less cost to operate. Mr. Moorman agreed.

Motion was PASSED by unanimous voice vote.

Resolution 09-44

Clerk Bucheit read a Resolution to authorize the City Manager to enter into a State/Local Project Agreement with the Ohio Department of Natural Resources for the project known as Beaver Creek Station.

Mr. Moorman stated the City received notice from the Ohio Department of Natural Resources, and were successful at receiving a grant for \$150,000 towards the construction of the Beaver Creek Station Project. He explained with this grant, the previous grant from MVRPC, and the gift from Mr. Joshi, the construction cost for this project will be covered. The plans for the project are substantially completed, and will be going to bid in early 2010, with completion of the project by the end of 2010.

Mr. Hadley MOVED to approve Resolution 09-44, seconded by Mr. Leonard. Motion was PASSED by unanimous voice vote.

Mr. Petrak asked if there was any money funded by Greene County. Mr. Moorman said no.

Mr. Jarvis said in the packet it mentioned having to check the terrorist inclusion list, and questioned how often does the City have projects that require that. Mr. Moorman explained that was a standard item that is required if the City has a contract with the state.

CITY MANAGER'S REPORT

Mr. Cornell commended the Engineering Department for their great work in pursuing the grants.

Mr. Cornell discussed the three amendments that the Charter has moved forward to ballot. He explained those were Issues 8, 9 and 10. Mr. Cornell stated if anyone has any questions, they can contact the City Manager's Office or look at the City's website at www.ci.beavercreek.oh.us.

Mrs. Howard said she would like to thank the citizens that were on the Charter Review Committee for their hard work and dedication.

Mr. Cornell congratulated Sarah and Mike Thonnerieux on the birth of their baby girl, Claire Jane Thonnerieux.

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Mayor's Report

Mayor Vann stated she received an announcement of a financial opportunity work shop that will be at Hope Hotel on October 23, 2009.

Mayor Vann said the Beaver Creek Women's League hosted the candidates and issues meeting last Wednesday, and it was a great opportunity for Beaver Creek residents to learn about the candidates and issues that will be before them on the ballot. She explained that will be aired on Channel 5, so everyone can be informed voters.

Mayor Vann explained this Saturday was the State of Ohio Islamic Day and has been established as the second Saturday in October every year. She said in Beaver Creek we have the Muslim Community Center and the Dayton Islamic School in our community, and was honored to be the mayor at this state event talking about things that have been accomplished.

Mayor Vann stated MVRPC came and spoke to Council at the last work session regarding the U.S. 35 ramps. She felt that City Council needed to continue to keep up on the issue. She thought that if they wanted to support Alternative #1, they need to send a letter of information to the state recommending Alternative #1.

Mrs. Howard stated she emailed the Federal Highway Administration and the central office of ODOT, and they are willing to meet with Council. She explained she received a phone call from ODOT, and they want to work with the central office to come up with some additional alternative ideas before another meeting is scheduled.

Mrs. Howard said she also saw the information that Beaver Creek Township put together supporting not closing the ramp. Vice Mayor Giambone said Council did write a letter expressing they felt those exits should not be closed, and felt another letter would be appropriate.

Mr. Leonard thought it may be a mistake to choose Alternative #1, and thought that the County, the Township and the City stay united and propose that both exits remain open.

Mr. Petrak said they also had support from the State Representative and State Senator on the issue.

Mr. Hadley said there was an email from ODOT stating there was another meeting scheduled, but they have cancelled that meeting until they have reviewed the responses they received. He discussed the number of registered people at the meeting at Carroll High School, and how many responses they received to leave both ramps open.

Mrs. Howard congratulated the employees with anniversaries in October and thanked them for their services; Roger Hilderbrandt 22 yrs, Rodney Curd 22 yrs, James Spicer 20 yrs, Chris Williams 18 yrs, Libby Chapman 12 yrs, Christine Bucheit 11 yrs, Karen Kneidl 7 yrs, Krissi Fedkow 4 yrs, Randall Burkett, 3 yrs, Paige Bagford 1 yr.

Mr. Jarvis thanked the Engineering Department for all the work they did to get the funding grants, and wanted to make sure they do involve the comments from the Bikeway Committee. He explained he received several phone calls in the past several weeks about people running red lights at the intersection of Grange Hall Road and Dayton-Xenia Road.

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Mr. Hadley reviewed the outcome for the Try-A-Truck Day that was held at the Municipal Maintenance Facility and the Fire Department.

Mayor Vann shared with James and Shannon Terpenning that each Council member donated money so they could provide meat for a block party that will be held on October 18th.

Mr. Hadley said the airing of the Extreme Makeover Home Edition show for the Terpenning family will be November 8th.

Unscheduled Speakers

John Mitchel, 3955 Maple Grove Lane, stated his wife would support the Greene Count Council on Aging and felt they do a great job.

He explained he was here for two reasons tonight. A matter was brought to his attention regarding a property on Woodlawn Drive, and it was his understanding Council is aware of the issue and has done nothing to correct it. Mr. Mitchel does not feel that the citizens should pay for the necessary improvements because the property began flooding after a residential development was built across Woodlawn four or five years ago. He thought since Council approved the rezoning, it is their responsibility to act on behalf of the private citizens whose property may have been devalued as a result of the developer’s actions. Mr. Mitchel believed it was time for Council to show some leadership by standing behind the taxpayers, and to go back to the developer and require them to accomplish what is necessary to stop the flooding.

His second reason concerns transparency and accountability. He stated Council is no stranger to “public-private partnerships”, including the Golf Course and The Greene. When these commercial developments were sold to the public, Council promised jobs and increased tax revenues, but no one looked back to review the impact on the local economy. Mr. Mitchel stated Council never held themselves accountable if the promises failed to materialize, and requested Council change that now. He stated pursuant to O.R.C. Chapter 149, he was asking Council to open the books to public scrutiny by answering two questions, and asked for a response at the earliest convenience regarding his two questions and the flooding issue on Woodlawn Drive.

Mr. Petrak MOVED adjournment, seconded by Mrs. Howard. The motion PASSED by unanimous voice vote.

Mayor Vann

ATTEST:

Deputy Clerk
Cmin101209