

BEAVERCREEK CITY COUNCIL  
REGULAR MEETING September 23, 2019 6:00 p.m.

PROCLAMATIONS

- ◆ Move with the Mayor

**CALL TO ORDER**

Mayor Stone called the meeting to order followed by roll call

PRESENT: Council Member Curran, Council Member Litteral, Council Member Rushing, Council Member Vann, Vice Mayor Garcia, Mayor Stone

ABSENT: Council Member Upton

Council Member Litteral MOVED to excuse Council Member Upton, seconded by Council Member Curran. Motion PASSED by majority voice vote.

ALSO IN ATTENDANCE: Dennis Evers, Chief of Police; Kim Farrell, Recreation Superintendent; Bill Kucera, Financial Administrative Services Director; Pete Landrum, City Manager; Jeff McGrath, Planning & Development Director; Dianne Miscisin, Clerk of Council; Steve McHugh, Legal Counsel; Jeff Moorman, City Engineer; Mike Thonnerieux, Public Administrative Services Director

**PLEDGE**

Council Member Rushing led the pledge and a moment of silence.

**APPROVAL OF AGENDA**

Council Member Litteral MOVED to approve the agenda, seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

**APPROVAL OF MINUTES**

Council Member Curran MOVED to approve the August 26, 2019 Regular Meeting Minutes, seconded by Council Member Rushing. Motion PASSED by majority voice vote.

**ORDINANCES, RESOLUTIONS AND PUDS**

**Resolution 19-53** Cemetery Master Plan, Jose Castregon, McGill, Smith, Punshon Inc. presenting

Clerk Miscisin read a Resolution to adopt a Cemetery Master Plan for the City of Beaver Creek.

Ms. Farrell introduced Mr. Castregon to give the final presentation of the master plan to council.

Mr. Castregon reviewed the planning process and the goal of the master plan. He then reviewed the recommendations and examples of phases of the plan.

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Council Member Litteral said the presentation was top notch and pleased with the work that has been done

Council Member Vann MOVED to approve the concept plan that was presented for the cemetery plan knowing full well as the specific pieces are developed that they would come back to council to review again, Council Member Litteral seconded.

Mr. McHugh stated the motion needed to be to approve the Resolution.

Council Member Vann argued that there were no details for some of the sections, only the concept and general idea.

Mr. McHugh explained this motion needed to be to approve the Resolution.

Mayor Stone explained that this just created a master plan and did not create any action.

Mr. McHugh wanted to be sure the motion was to approve the Resolution

Council Member Vann wanted to be sure that staff realized this was not a green light to never bring it back before council. She said as the specific site plans are planned for various areas it did need to come back to council.

Mr. McHugh appreciated her concern but explained the motion needed to be to approve the Resolution and he heard the motion as an approval of a concept plan which would not approve the Resolution.

Mayor Stone stated they would have to fund it so it would have to come back to council.

Vice Mayor Garcia asked if procedurally if the motion would need to be withdrawn.

Council Member Vann withdrew the motion on the floor.

Council Member Vann MOVED to approve Resolution 19-53, seconded by Council Member Litteral. Motion PASSED by a majority voice vote.

**Ordinance 19-20** Repealing and Adopting New Chapter 137 (First Reading)  
Clerk Miscisin read an Ordinance repealing Chapter 137 "Weapons Control" of the City of Beavercreek Code of Ordinances and adopting new Chapter 137 "Weapons Control" of the City of Beavercreek Code of Ordinances.

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Mr. McHugh explained the Ohio legislature and HB 228 made a number of changes to weapons control. He reviewed a few of those changes to the Ohio Revised Code. Many of the changes were modernizing definitions and clarifications to the laws. This Ordinance would bring the Code of Ordinances in compliance with the Ohio Revised Code.

Council Member Litteral MOVED Ordinance 19-20 to the second and third readings, seconded by Council Member Vann. Motion PASSED by a majority voice vote.

**Ordinance 19-21** Additional Appropriations (Single Reading)

Clerk Miscisin read an Ordinance to approve supplemental appropriations and certify additional revenue for the fiscal year beginning January 1, 2019 and ending December 31, 2019 and to amend Ordinances 18-28, 19-01, 19-03, 19-12, 19-17, 19-18 and 19-19.

Mr. Kucera reviewed the appropriations. He explained the insurance claims including a vehicle hitting and totaling the city's attenuator which is the arrow board used to divert traffic from city workers. The second insurance claim was for the cleanup of the Tobias-Zimmer barn that was destroyed by the tornado. The golf course sustained a lightning strike which knocked out two satellite boxes and an irrigation voltage regulator. The golf course received an amount for lost revenue as a result of the tornado. The Senior Center received a grant from Greene County Counsel on Aging for a new van to replace a 2005 van and needed to appropriate the offsetting cost of the new van.

Council Member Vann asked if there were any other things in the neighborhoods or businesses that were our responsibility like storm water or whatever that could have been put in as a claim because of the tornado. Mr. Kucera replied no because there was not a direct cause and effect for city property.

Council Member Vann asked if anything from the park that could have been claimed. Mr. Kucera explained there was a complete review of all of the parks after the tornado and this was the only one that had physical damage. He said trees falling down and not hitting anything were not covered under insurance; trees falling down and hitting a structure or a bench would be covered.

Council Member Curran MOVED to approve Ordinance 19-19, seconded by Council Member Litteral. Motion PASSED by a roll call vote of 6-0.

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**Resolution 19-54** Accepting Amounts and Rates and Certifying Them to the County Auditor

Clerk Miscisin 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 reviewed the phases of the budget process with the auditor. He said the county auditor would submit these numbers to the state. He explained internally the departments would be reviewing the budgets with the finance department the first week of October. He said city council would be reviewing the budgets during two budget work session scheduled for November 18<sup>th</sup> and November 20<sup>th</sup>. The final step for the budget would be the adoption of the appropriation ordinance at the December 9<sup>th</sup> council meeting.

Mayor Stone asked if the reduction in property values from tornado would be reflected in next year's budget. Mr. Kucera said the county auditor believes the number were right on because of the conservative numbers used.

Council Member Rushing asked if the Greene County Auditor had discussed using an alternative form for the tax budget. Mr. Kucera said the city sends the proposed budget in the city's format.

Council Member Rushing MOVED to approve Resolution 19-54, seconded by Council Member Litteral. Motion PASSED by a roll call vote of 6-0.

**Resolution 19-55** Approval of Entering into an Agreement with Ohio Department of Transportation for SR 835 Resurfacing Project

Clerk Miscisin read a Resolution authorizing the City Manager to enter into a LPA Federal Project Agreement with the Ohio Department of Transportation for the project known as the GRE-SR835-0.00 Resurfacing Project, PID No. 108934.

Mr. Moorman said they received notice the city's application for ODOT Urban Paving Program funds for the resurfacing of Research Boulevard had been approved. He said the project would begin at the county line of Montgomery County and extend to the eastbound US 35 exit ramp. He said this included the milling of the pavement, pavement repairs and repairs to the median islands. The approximate cost was \$2 million with half the cost being paid by the grant. He said they also applied for another grant for the same project that looks favorable so the city cost of the project would be even less.

Council Member Vann MOVED to approve Resolution 19-55, seconded by Vice Mayor Garcia. Motion PASSED by a majority voice vote.

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**Resolution 19-56** Approval of Entering into an Agreement with Ohio Department of Transportation for Kemp Road Sidewalk Project

Clerk Miscisin read a Resolution authorizing the City Manager to enter into a LPA Federal Project Agreement with the Ohio Department of Transportation for the project known as the Kemp Road Sidewalks Project, PID No. 110374.

Mr. Moorman said one of the successful applications for MVRPC funds was for the installation of pedestrian facilities along a portion of Kemp Road between the two Grange Hall Roads. He said this will content to other pedestrian facilities that will be built in the next couple of years. Construction was planned for the fall of 2023 with overall construction costs to be \$627,000 with grant funds paying for \$344,000.

Council Member Curran MOVED to approve Resolution 19-56, seconded by Vice Mayor Garcia. Motion PASSED by a majority voice vote.

**Resolution 19-57** Approval of Submittal of Miami Valley Regional Planning commission Funding Applications

Clerk Miscisin read a Resolution authorizing the submittal of applications for Federal Fast Act Funds through the Miami Valley Regional Planning Commission.

Mr. Moorman reviewed six proposed projects in order of ranking to be submitted to MVRPC. Those proposed projects included North Fairfield Resurfacing from Crossing Blvd to I-675 Ramp, North Fairfield Road Resurfacing from Lakeview Drive to Crossing Blvd, North Fairfield Road Widening from Plantation to Fairbrook School, Factory Road Bridge Widening, North Fairfield Road Sidepath Reconstruction from Commons Blvd to Pentagon Blvd, and Shakertown Road Sidepath from Autumn Leaf to Farmbrook.

Council Member Curran MOVED to approve Resolution 19-57, seconded by Vice Mayor Garcia. Motion PASSED by a majority voice vote.

**Resolution 19-58** Selective Traffic Enforcement Program (STEP) Grant

Clerk Miscisin read a Resolution to authorize the Beavercreek Police Department's acceptance of the Ohio Traffic Safety Selective Enforcement Program (STEP) Grant.

Chief Evers explained the police department was notified of their eligibility to receive a grant through the Ohio Traffic Safety Office to provide funding for High Visibility Enforcement. HVE is a universal traffic safety approach designed to create deterrence and change unlawful traffic behaviors. HVE combines highly

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visible and proactive law enforcement targeting a specific traffic safety issue. STEP hours must be used to conduct HVE activities in areas to impact fatal crashes by targeting occupant restraint, speed, distracted driving, aggressive driving, failure to yield, etc. STEP Grant eligibility is for a maximum of \$17,916.32 of reimbursement to the city for officer overtime and fringe benefits. Included in this amount is transportation/fuel costs reimbursable up to 5% of the total labor costs. There is no local match required for this grant. The grant period would run from October 1, 2019 through September 30, 2020.

Council Member Litteral MOVED to approve Resolution 19-58, seconded by Vice Mayor Garcia. Motion PASSED by a majority voice vote.

**Resolution 19-59** Impaired Driving Enforcement Program (IDEP) Grant  
Clerk Miscisin read a Resolution to authorize the Beavercreek Police Department's acceptance of the Ohio Traffic Safety Impaired Driving Enforcement Program (IDEP) Grant.

Chief Evers explained this was the second grant they were currently operating for the third year. He said this was the Impaired Driving Enforcement Program (IDEP) Grant which was directed towards the HVE activities to impact impaired driving and reduce fatal crashes. This IDEP grant was for a maximum of \$24,624.48 of reimbursement to the city for officer overtime and fringe benefits. There was also a transportation/fuel cost up to 5% of the total labor costs. There was no local match for this grant and the grant period was the same as the STEP grant, October 1, 2019 through September 30, 2020.

Council Member Litteral MOVED to approve Resolution 19-59, seconded by Vice Mayor Garcia. Motion PASSED by a majority voice vote.

**Resolution 19-60** Approval of Entering into an Agreement with Ohio Department of Transportation for the Kemp Road Signal Improvement Project  
Clerk Miscisin read a Resolution authorizing the City Manager to enter into a LPA Federal Project Agreement with the Ohio Department of Transportation for the project known as the Kemp Road Interconnect Project, PID No. 103590.

Mr. Moorman explained this was another project they were successful in receiving grants funds for improvements of signals along the Kemp Road corridor. The project was to reconstruct the existing traffic signals at Kemp and Fairfield and at Turnbull and Kemp. The other signals would also receive an upgrade and be connected to the fiber optic system, battery backup systems and newer controllers. The work was planned for the summer of 2020 with a total project cost of \$729,524 with \$429,000 being paid with grant monies.

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Council Member Curran MOVED to approve Resolution 19-60, seconded by Vice Mayor Garcia. Motion PASSED by a majority voice vote.

### **DECISION ITEMS**

Appointment to the Board of Zoning Appeals (Vacancy – Unexpired Term)

Council Member Curran MOVED to open nominations for Board of Zoning Appeals, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

Council Member Vann nominated Richard Porter.

Council Member Rushing MOVED to close nominations for Board of Zoning Appeals, seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

Council Member Litteral MOVED to appoint Richard Porter to the Board of Zoning Appeals for the term ending February 29, 2020, seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

### **COUNCIL TIME**

Council Member Litteral said several of the council helped with the chain gang for the Eager Beavers. The Chamber had an open house last week. Try-a-Truck will be October 5<sup>th</sup>.

Council Member Rushing thanked the Greene County Township Association who hosted their monthly networking opportunity. He thanked Beaver Creek Seventh Day Adventist Church for hosting their service and giving a pray to the community and first responders.

Council Member Vann said they had a great Peace day on Saturday which was well attended and had many activities to work toward world peace.

Council Member Curran said many members attended the Chamber's open house. He said the Peace Day was an interesting event and learned a lot. The Township dinner was very nice.

Vice Mayor Garcia thanked the Seventh Day Adventist Church for their event and the Chamber for their open house. She thanked the staff for constantly looking into grant opportunities.

### **MAYOR'S REPORT**

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Mayor said the Day of Peace was growing and was very well done. He participated in the Homecoming Parade.

**CITY MANAGERS REPORT**

Mr. Landrum reviewed the road construction projects throughout the city. He reviewed the upcoming Beaver Creek City events.

**CITIZEN COMMENTS**

There being no comments, Citizen Comments was closed.

**EXECUTIVE SESSION**

Council Member Rushing MOVED to enter into Executive Session at 7:01 p.m. pursuant to Section 121.22 of the Ohio Revised Code, for the purpose of conference with city attorney concerning disputes involving the city that are subject to pending or imminent court action, seconded by Council Member Litteral. Motion PASSED by roll call vote of 6-0.

Council Member Litteral MOVED to adjourn executive session at 7:20 p.m., seconded by Council Member Curran MOVED Motion was PASSED by roll call vote of 6-0

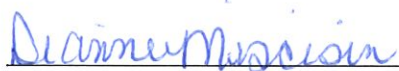
Council Member Curran MOVED to reconvene the meeting, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

**ADJOURNMENT**

Council Member Curran MOVED to adjourn the meeting at 7:21 p.m., seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

  
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Bob Stone, Mayor

ATTEST:

  
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Dianne Miscisin  
Clerk of Council



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