



CITY COUNCIL
Regular Meeting – March 28, 2016 6:00 p.m.
Council Chambers

1368 Research Park Dr
Beavercreek, Ohio

PROCLAMATIONS

- ◆ Volunteer Month

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND MOMENT OF SILENCE – Council Member Wallace
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
 - A. March 14, 2016 Regular Meeting
- VI. ORDINANCES, RESOLUTIONS AND PUDS
 - A. Ordinance 16-01 Z-16-1 TCN Behavioral Rezoning, I-1 to RP-1 (Third Reading) – Tabled at March 14, 2016 Regular Meeting **Applicant has withdrawn application**
 - B. Ordinance 16-02 MX-PUD 93-4 Amend 1/16 Ashton Brook Phase 5 (Third Reading)
 - C. Ordinance 16-05 Electric Generation Supply Agreement with Miami Valley Cable Council (MVCC) (Emergency)
 - D. Resolution 16-07 Executive Recruitment Committee
 - E. Resolution 16-08 2016 Resurfacing Program Cooperation Agreement with County Engineer
- VII. CITY MANAGER'S REPORT
- VIII. MAYOR'S REPORT
- IX. COUNCIL TIME
- X. CITIZEN COMMENTS
- XI. ADJOURNMENT

BEAVERCREEK CITY COUNCIL
REGULAR MEETING March 14, 2016 6:00 p.m.

CALL TO ORDER

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

PRESENT: Council Member Jarvis, Council Member Litteral, Council Member Upton, Council Member Wallace, Council Member Whilding, Vice Mayor Vann, Mayor Stone

ABSENT: None

ALSO IN ATTENDANCE: Michael Cornell, City Manager; Dennis Evers, Chief of Police; Theresa Hathaway, Fiscal Officer; Dianne Lampton, Clerk of Council; Jeff McGrath, Planning & Zoning Director; Steve McHugh, Legal Counsel; Jeff Moorman, City Engineer;

PLEDGE

Council Member Upton led the pledge and a prayer.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Council Member Upton MOVED to approve the minutes of the February 16, 2016 Work Session, seconded by Council Member Wallace. Motion PASSED by majority voice vote.

Council Member Litteral MOVED to approve the minutes of the February 22, 2016 Work Session, seconded by Council Member Upton. Motion PASSED by majority voice vote.

Council Member Wallace MOVED to approve the minutes of the February 22, 2016 Regular Meeting, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

PRE-SCHEDULED PRESENTERS

CALEA Assessors

Chief Evers introduced the two assessors who were conducting the onsite assessment as Assistant Chief Michael West, Gwinnett County Police Department, Lawrenceville, Georgia and Linda Carlin, Farmington Police

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Department, Unionville, Connecticut. The inspection would be completed by Wednesday. There was public input scheduled for Tuesday, March 15th at 6:00 p.m. in the Council Chamber. Chief Evers explained the department undergoes on onsite assessment every three years which would be changing to every four years after this. He said they look at the processes and the outcomes of how they do their business. He said this is the National Accreditation through the Commission on Accredited Law Enforcement Agencies. He said they have been accredited since 1999.

ORDINANCES, RESOLUTIONS AND PUDS

Ordinance 16-01 Z-16-1 TCN Behavioral Rezoning, I-1 to RP-1 (Third Reading)

Clerk Lampton read an Ordinance amending the Zoning Map, by rezoning approximately 3.223 acres of land located at 1400 Grange Hall Road, further described as Book 2, Page 13, Parcel 70 from I-1 Light Industrial to RP-1 Research Park District (Z-16-1).

Mr. McGrath explained that TCN asked Council to table the decision until the March 28th meeting. He said TCN had been presented with additional information from the City's legal counsel and staff. He explained TCN wished to discuss this information at their scheduled March 24th board meeting.

Mayor Stone clarified at the March 28th meeting, Council would have only four council members voting due to the scheduled absence of Council Member Upton and the recusal of Council Member Litteral and Vice Mayor Vann from this Ordinance. He said this would require a unanimous vote by the remaining voting body. Mayor Stone verified with the TCN representatives that they understood these circumstances. Mr. Otto replied they understood.

Council Member Jarvis voiced his concern as he would be absent at the April 11th meeting if this were to be pushed out farther.

Mayor Stone said he would be the first to agree not to push it if it were not for the request from the applicant.

Council Member Whilding MOVED to table Ordinance 16-01 to the March 28th meeting, seconded by Council Member Wallace. Motion PASSED by majority voice vote. (Vice Mayor Wallace and Council Member Litteral abstained)

Ordinance 16-02 MX-PUD 93-4 Amend 1/16 Ashton Brook Phase 5 (Second Reading)

March 14, 2016

Clerk Lampton read an Ordinance amending Ordinance #09-34 rezoning and concept plan (PUD 93-4) to construct 32 multi-family residential units on the north side of Lillian Lane, south of I-675. This property is further described as Book 4, Page 2, Parcel 24 and the Greene County Property Tax Atlas. (PUD 93-4, Amendment 1/16)

There being no input, the public hearing was closed.

This Ordinance will move automatically to the Third Reading.

Resolution 16-06 Authorize ODOT to Proceed with Reconstruction of Traffic Signal North Fairfield and I-675

Clerk Lampton read a Resolution to authorize the Ohio Department of Transportation to proceed with the reconstruction of the traffic signal at North Fairfield and I-675.

Mr. Moorman explained the Ohio Department of Transportation was planning on reconstructing the span wire traffic signal at the southbound onramp to I-675 from North Fairfield Road. He said the existing span wire would be replaced with a mast arm signal to match the other signals along that corridor. He said the new signal would have the proper controller compatible with the existing fiber optic network used to control the coordination between signals. He said for the work to move forward it was a requirement of Council to pass this Resolution allowing ODOT to proceed with the work. Mr. Moorman explained that all costs associated with this work would be paid by ODOT at 100%.

Vice Mayor Vann MOVED to approve Resolution 16-06, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

LIQUOR PERMITS

Chipotle Mexican Grill of Colorado LLC DBA Chipotle Mexican Grill 2720 (New)

Chief Evers explained the Ohio Division of Liquor Control sent police notification referencing a new D1 liquor permit for Chipotle Mexican Grill of Colorado LLC, DBA Chipotle Mexican Grill 2720, 2544 Zink Rd, Beavercreek, Ohio 45324. The records checks required by the Ohio Department of Commerce – Division of Liquor Control were conducted on the business officers/shareholders for this application request. Staff recommended this application request move forward with no comment.

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Council Member Litteral MOVED to accept without comment, seconded by Council Member Upton. Motion PASSED by majority voice vote.

CITY MANAGER'S REPORT

Mr. Cornell explained that the Street Levy Issue 1 was at the end of the ballot. He said the Street Levy was a 2.6 mill renewal with a .8 mill increase that has been in place since 1986. He said this levy represents approximately 69% of the revenue for Fund 203. He said with the approval of this levy, the city would continue to be the second lowest in the region in terms of local government ranking. He reviewed the details of what services this levy covers.

MAYOR'S REPORT

Mayor Stone said this is an important levy for the City and the community. He asked everyone to give it a positive consideration at the ballot. He said he attended an Eagle Scout Award Ceremony and a Girl Scout Gold Award Ceremony. He congratulated all who achieved this top honor. He thanked Todd at TJ Awards who made wood tokens for the Eagle Scouts and plaques for the Gold Award honorees. He said he along with Council Member Wallace and Council Member Whilding met with a kindergarten student from Trebein Elementary along with his sister and two friends. He said the students presented them with a card from his class and chocolates. He said he and Council Member Jarvis attended an open house at the Dayton Islamic School. He thanked Chief Evers and Parks Director Kim Farrell for attending as well. He said the Vietnam War 50th Commemorative Pinning Ceremony would be held Wednesday, March 30th at 10:00 a.m. at the Dayton VA. Mayor Stone held a business card exchange on March 3rd at the Hilton Garden Inn. It was his hope to do this on a regular basis and have a couple Council Members join him.

COUNCIL TIME

Council Member Whilding thanked the Main Elementary PTO and volunteers for a successful Jamboree. He said Greene CATS would be adjusting the Orange Line at Wright State University and in the Beaver Valley Shopping Center near Lowes and Fresh Thyme Market. He said he supported Issue 1 explaining there had been a lot of debate regarding service levels, maintaining the fund balance and the improvements for the next five years.

Council Member Jarvis said many residents he had spoken with appreciate how the City maintains the roads since the last levy was passed and they would like that to continue. He said if this levy does not pass there would be some drastic changes. He said the Islamic School held their open house where they met with the board, parents and students.

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Council Member Wallace said an Employer Advisory Council would be meeting at Wright State University, Military Center on Tuesday, March 15th at 9:00 a.m. She said the purpose was to connect employers of the Greater Miami Valley to perspective military and veteran employees. She said the Beavercreek Chamber would be holding their Chamber Links on Thursday, March 17th from 5:30 – 7:30 p.m. at the Hope Hotel. She thanked the high school band for holding the Weekend of Jazz. She said it was phenomenal and they did a great job.

Council Member Upton said they had a lot of debate regarding the millage before putting it on the ballot. He believed it was a responsible amount and appropriate for our city. He encouraged everyone to vote in favor of it. He said seventeen year olds who would be eighteen by Election Day were allowed to vote on Tuesday.

Council Member Litteral thanked Chief Evers for bringing the CALEA assessors to the meeting. She said this is a voluntary process with 200 standards they have to follow. She said there is a public hearing tomorrow evening and encouraged people with any comments to come.

Vice Mayor Vann said they received an email stating Beavercreek was named one of the fifty safest cities in Ohio. She said this information was put on by backgroundchecks.org who is devoted to public safety and open government. She attended Mayors and Managers meeting where there was a speaker regarding the Montgomery County Land Bank. She said the Greene County Commissioners were very interested in this program.

CITIZEN COMMENTS

Nate Falu, 3534 Dayton-Xenia Road, Beavercreek, Ohio

Mr. Falu asked if there was a website he could review to get a better understanding of what the taxpayers pay and information regarding Issue 1.

Mayor Stone explained the normally there is no interaction at this portion of the meeting but because it was regarding the level he asked the City Manager to respond. Mr. Cornell said Issue 1 information could be found on the City's website. He directed Mr. Falu to go to the state website for additional resources. Council Member Jarvis said the latest addition of the In Touch also had information regarding the levy.

Nikkala Thomson, 3845 Ashleaf Court, Beavercreek, Ohio

Ms. Thomson questioned the additional amount for the levy. She assumed it was because there were new roads that needed to be maintained which included new dwellings. She asked if there are new dwellings why the city needed to

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increase the levy. Mayor Stone explained the levy generates a certain amount of revenue and does not go up as you might think with new developments. Council Member Upton explained the levy is a fixed dollar amount and if you add more people to the pot, the city is still receiving the same fixed dollar amount. Mayor State said technically your taxes could go down. She said it is difficult for her and almost double from what she was paying from where she moved from. Mayor Stone said in the region if you add income tax and property tax we are a very low taxed area. Council Member Jarvis said Beavercreek is one of two cities in the State of Ohio that does not have an income tax.

ADJOURNMENT

Council Member Jarvis MOVED to adjourn the meeting at 6:41 p.m., seconded by Council Member Litteral. Motion PASSED by majority voice vote.

Bob Stone, Mayor

ATTEST:

Dianne Lampton
Clerk of Council
Cmin031416

Agenda Item VI. A.
Third Reading (tabled from 03/14/16)

ORDINANCE NO. 16-01

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER WALLACE ON THE 25TH DAY OF
JANUARY, 2016.

AN ORDINANCE AMENDING THE ZONING MAP, BY REZONING
APPROXIMATELY 3.223 ACRES OF LAND LOCATED AT 1400
GRANGE HALL ROAD FROM I-1 LIGHT INDUSTRIAL TO RP-1
RESEARCH PARK DISTRICT, FURTHER DESCRIBED AS BOOK 2,
PAGE 13, PARCEL 70. (Z-16-1).

Whereas, Lori Strobl (Agent for the Owner), 452 West Market Street, Xenia,
OH 45385, has requested the rezoning; and

Whereas, the City of Beavercreek Planning Commission has recommended
approval of the rezoning amendment; and

WHEREAS, the City Council has voted to adopt the recommendation of the
Planning Commission, this being a decision that requires approval by four members
of Council.

NOW THEREFORE THE MUNICIPALITY OF BEAVERCREEK HEREBY
ORDAINS:

SECTION I

That the Zoning Map referenced in §158.018 of the Zoning Code is hereby
further amended to change approximately 3.223 acres of land, located at 1400
Grange Hall Road, known as B42000200130007000 and as further described in the
attached "Exhibit A" be rezoned to RP-1 Research Park District.

SECTION II

This Ordinance shall take effect from and after the earliest period allowed by
law.

SECTION III

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

PASSED this 28th day of March, 2016.

Bob Stone, Mayor

ATTEST:

Dianne Lampton, Clerk of Council

SUMMARY

This Ordinance adopts a recommendation to rezone approximately 3.223 acres of land located at 1400 Grange Hall Road from I-1 Light Industrial to RP-1 Research Park District.

This is not an emergency ordinance and will become effective 30 days after passage.

ORDINANCE NO. 16-02

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER _____ ON
THE 22ND DAY OF FEBRUARY, 2016.

AN ORDINANCE AMENDING ORDINANCE #09-34 REZONING AND CONCEPT PLAN (PUD 93-4) TO CONSTRUCT 32 MULTI-FAMILY RESIDENTIAL UNITS ON THE NORTH SIDE OF LILLIAN LANE, SOUTH OF I-675. THIS PROPERTY IS FURTHER DESCRIBED AS BOOK 4, PAGE 2, PARCEL 24 ON THE GREENE COUNTY PROPERTY TAX ATLAS. (PUD 93-4, AMENDMENT 1/16)

Whereas, Randall Woodings, 400 South Fifth Street, Suite 400, Columbus OH 43215, (Agent for the owner) has filed an application requesting approval of an amendment to PUD 93-4 rezoning and concept plan; and

Whereas, the City of Beavercreek Planning Commission has recommended approval of the zoning amendment with conditions and requirements; and

WHEREAS, Beavercreek City Council finds that the facts submitted with the application and presented at the public hearing and any modifications, amendments, or supplementary conditions satisfy the standards and criteria for Planned Unit Development approval as per in §158.065 and §158.073 of the Zoning Code; and

WHEREAS, Beavercreek City Council finds that, pursuant to §158.073 of the Zoning Code, each and all of the excluded uses are inappropriate for this specific Planned Unit Development; and

WHEREAS, Beavercreek City Council has voted to adopt the recommendation of the Planning Commission with modifications, this being a decision that requires approval by four members of Council.

NOW THEREFORE THE MUNICIPALITY OF BEAVERCREEK HEREBY ORDAINS:

SECTION I

That the Zoning Map referenced in §158.018 of the Zoning Code is hereby further amended to allow construction of 32 multi-family residential units on the north side of Lillian Lane, south of I-675 and as further described in the attached Exhibit A.

SECTION II

The following conditions and requirements shall apply:

1. All conditions of PUD 93-4 remain in full force and effect except where modified herein.
2. Condition #2 of Ordinance 09-34, Condition #3 of Ordinance 08-26, Condition #3 of Ordinance 02-3 and Condition B of Ordinance 93-66 are all hereby amended and the total square footage of buildings and structures allowed to be constructed in the MX-PUD development shall not exceed the following: 1. Retail/Commercial/Restaurant/Financial, 420,000 square feet; 2. Hotel/Hospitality/Office Development, 67,500 square feet; and 3. Multi-Family Residential, 412 dwelling units.
3. All new residential dwelling units at a maximum density of 9.5 dwelling units per acre, not to exceed 32 units, must be located on the north side of Lillian Lane within the 3.33-acre parcel, as shown on the Concept Plan, stamped "Received January 7, 2016.
4. All buildings and accessory structures shall be set back a minimum of 30 feet from Lillian Lane.

SECTION III

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

SECTION IV

This Ordinance shall take effect from and after the earliest period allowed by law.

PASSED this ____ day of _____, 2016.

Bob Stone, Mayor

ATTEST:

Dianne Lampton, Clerk of Council

SUMMARY

This Ordinance adopts a recommendation to amend Ordinance #09-34 to construct 32 multi-family residential units on the north side of Lillian Lane, south of I-675.

This is not an emergency ordinance and will become effective 30 days after passage.

PUD 93-4 Amend 1-16 Ashton Brook 5 Ord

SECTION II

The following conditions and requirements shall apply:

1. All conditions of PUD 93-4 remain in full force and effect except where modified herein.
2. Condition #2 of Ordinance 09-34, Condition #3 of Ordinance 08-26, Condition #3 of Ordinance 02-3 and Condition B of Ordinance 93-66 are all hereby amended and the total square footage of buildings and structures allowed to be constructed in the MX-PUD development shall not exceed the following: 1. Retail/Commercial/Restaurant/Financial, 420,000 square feet; 2. Hotel/Hospitality/Office Development, 67,500 square feet; and 3. Multi-Family Residential, 412 dwelling units.
3. All new residential dwelling units at a maximum density of 9.5 dwelling units per acre, not to exceed 32 units, must be located on the north side of Lillian Lane within the 3.33-acre parcel, as shown on the Concept Plan, stamped "Received January 7, 2016.
4. All buildings and accessory structures shall be set back a minimum of 30 feet from Lillian Lane.

SECTION III

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

SECTION IV

This Ordinance shall take effect from and after the earliest period allowed by law.

PASSED this 28th day of March, 2016.

Bob Stone, Mayor

ATTEST:

Dianne Lampton, Clerk of Council

Agenda Item VI. C.
Emergency

MEMORANDUM

TO: Mayor Bob Stone
City Council

CC: Michael A. Cornell, City Manager

FROM: Stephen M. McHugh, Law Director 

DATE: March 17, 2016

RE: Electric Generation Supply for Governmental Facilities

MAC 3/17/16

The current agreement with the DPL Energy Resources, Inc. ("DPLER") ends on December 31, 2016. Because energy prices are low right now, it is in the best interest of any municipalities who are participating in the Miami Valley Communications Council ("MVCC") to authorize the MVCC to solicit bids for next year's contract now while energy prices are lower rather than waiting until later in the year. Accordingly, each city that wishes to participate in the MVCC's contract with DPLER next year must pass an ordinance which authorizes the City Manager to enter into an agreement for electric generation supply with a competitive retail electric service provider.

In order to be able to seek competitive prices, the City must be able to sign an agreement quickly because of daily fluctuations in market prices and because competitive retail electric service providers cannot hold prices for an extended period of time.

ORDINANCE NO. 16-05

CITY OF BEAVERCREEK

**SPONSORED BY COUNCIL MEMBER _____ ON THE 28TH
DAY OF MARCH, 2016**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO
ENTER INTO FOR MUNICIPAL FACILITIES AN AGREEMENT
FOR ELECTRIC GENERATION SUPPLY WITH A
COMPETITIVE RETAIL ELECTRIC SERVICE PROVIDER AND
DECLARING AN EMERGENCY.**

WHEREAS, the City is one of a number of municipalities currently participating in the Miami Valley Communications Council (“MVCC”) electric generation supply agreement with DPL Energy Resources, Inc. (“DPLER”) for the provision of electric generation and transmission supply services through December 31, 2016 (collectively referred to as the “Participating Municipalities”); and

WHEREAS, in accordance with the Public Utilities Commission of Ohio rules and regulations, the Participating Municipalities have the opportunity to maximize savings on the generation and transmission portion of their electric service costs through the selection of a competitive retail electric service provider; and

WHEREAS, the Participating Municipalities desire to seek competitive pricing for a new electric generation and transmission supply service agreement (“Agreement”) for municipal facilities; and

WHEREAS, the Participating Municipalities desire to authorize MVCC and its Executive Director to act as procuring agents, along with any consultant utilized by MVCC (collectively, the “Procuring Agents”) to seek competitive pricing for electric generation and transmission supply services; and

WHEREAS, time is of the essence in securing the best possible electric generation and transmission supply rates and the Participating Municipalities will need to be able to sign a new Agreement immediately upon identifying the lowest and best competitive supplier due to market pricing requirements and deadlines; and

WHEREAS, the Participating Municipalities desire to authorize their respective City Managers to enter into a new Agreement with the lowest and best competitive supplier after the Procuring Agents have identified and recommended such supplier; and

WHEREAS, the City is authorized as a charter municipality to exercise all powers of local self-government.

NOW, THEREFORE, THE CITY OF BEAVERCREEK HEREBY ORDAINS:

SECTION I:

MVCC and its Executive Director, along with any consultant utilized by MVCC, are hereby authorized to act as Procuring Agents to identify a competitive retail electric service provider for electric generation and transmission supply services. However, nothing in this Ordinance shall authorize such Procuring Agents to contractually bind the City to accept or enter into an Agreement with any such service provider, or to otherwise bind the City.

SECTION II:

The City Manager is hereby authorized to execute an Agreement for municipal accounts and any other necessary documents on behalf of the City for electric generation and transmission supply services with a competitive retail electric service provider.

SECTION III:

It is hereby found and determined that all formal actions of this City Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION IV:

The Participating Municipalities must be able to sign a new contract immediately upon identifying the lowest and best competitive supplier in order to secure rate and leverage buying power of the group. Accordingly, this Ordinance is hereby declared an emergency. The adoption of this emergency Ordinance will allow the City of Beavercreek to protect and promote the public health, safety and welfare of its citizens by reducing the City's costs for the generation and transmission of electric services. This Ordinance will immediately take effect upon adoption.

PASSED this 28th day of March, 2016.

Bob Stone, Mayor

ATTEST:

Dianne Lampton, Clerk of Council

PREPARED BY: LAW DEPARTMENT

SUMMARY

THIS ORDINANCE AUTHORIZES THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR MUNICIPAL FACILITIES FOR ELECTRIC GENERATION SUPPLY WITH A COMPETITIVE RETAIL ELECTRIC SERVICE PROVIDER AND TO DECLARE AN EMERGENCY.

**CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT**

MAC 32416

<p>Meeting Date: March 28, 2016</p> <p>Agenda Reference No.: VI. D.</p>	<p>Reference Topic: Resolution 16-07</p> <p>Approving the formation of a three-member Executive Recruitment Committee to facilitate in the City Manager executive search and recruitment plan and delineate the Committee's role and responsibilities</p>
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ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input checked="" type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other Motion _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input checked="" type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

Michael Cornell, the current City Manager, is retiring from public service following a successful ten year period as City Manager for the City of Beavercreek. Therefore, the City Council seeks to form a three-member Executive Recruitment Committee to facilitate the City Manager executive search and recruitment plan. As such, the Council Members serving on the Executive Recruitment Committee will be available for multiple business meetings, conference calls, interviews, and other related activities.

This resolution will grant the Executive Recruitment Committee authority to:

- Review and approve the Request for Proposal (RFP) for an external executive search firm services;
- Review and evaluate statements of proposal that have been submitted by external executive search firms, to interview executive search firms, as needed, and to make a recommendation of an external search firm to City Council for approval;
- Review and approve the job announcement and RFP press release;
- Review and approve the Candidate Profile;
- Review and approve the City Manager recruitment brochure;
- Review and approve the advertising and marketing plan;
- Review and select interview questions for potential candidates;
- Negotiate compensation with the prospective City Manager, recognizing that the final decision about the amount of compensation to be offered to the City Manager as well as the terms of the City Manager's contract will be made by the entire City Council in open session;
- And, take any additional action necessary to facilitate the City Manager executive search and recruitment plan.

The City Charter and Code of Beavercreek authorize City Council to create temporary committees by resolution.

STAFF RECOMMENDATION: Staff recommends adoption of Resolution 16-07.

RESOLUTION NO. 16-07

CITY OF BEAVERCREEK

**SPONSORED BY COUNCIL MEMBER _____ ON THE
28TH DAY OF MARCH, 2016.**

**RESOLUTION APPROVING THE FORMATION OF A
THREE-MEMBER EXECUTIVE RECRUITMENT
COMMITTEE TO FACILITATE IN THE CITY MANAGER
EXECUTIVE SEARCH AND RECRUITMENT PLAN FOR THE
CITY OF BEAVERCREEK, OHIO AND DELINEATING THE
EXECUTIVE RECRUITMENT COMMITTEE'S ROLE AND
RESPONSIBILITIES.**

WHEREAS, the City Manager's current Employment Agreement expires on December 31, 2016, and the City Manager does not intend to pursue an extension of his employment with the City; and

WHEREAS, City Council seeks to form a three-member Executive Recruitment Committee from its members in order to facilitate the City Manager Executive Search and Recruitment Plan for the City of Beaver Creek, Ohio; and

WHEREAS, City Council seeks to delineate the role and responsibilities of the Executive Recruitment Committee; and

WHEREAS, City Council seeks to make clear that Council Members serving on the Executive Recruitment Committee will be required to make themselves available for multiple business meetings, conference calls, interviews and other activities in order to facilitate the City Manager Executive Search and Recruitment Plan for the City of Beaver Creek, Ohio; and

WHEREAS, the City Charter and §31.15 of the Code of Beaver Creek authorizes City Council to create temporary committees by resolution.

**NOW, THEREFORE, CITY COUNCIL FOR THE CITY OF
BEAVERCREEK, OHIO, HEREBY RESOLVES:**

SECTION I. City Council approves the formation of a three-member Executive Recruitment Committee to facilitate in the City Manager Executive Search and Recruitment Plan for the City of Beaver Creek, Ohio.

SECTION II.

City Council grants the Executive Recruitment Committee authority to review and approve the Request for Proposal (“RFP”) for an external executive search firm’s services; to review and evaluate statements of proposal that have been submitted by external executive search firms, to interview executive search firms as needed, and to make recommendation of an external search firm to City Council for approval; to review and approve the job announcement and RFP press release; to review and approve the Candidate Profile; to review and approve the City Manager recruitment brochure; to review and approve the advertising and marketing plan; to review and select interview questions for potential candidates; to negotiate compensation with the prospective City Manager, recognizing that the final decision about the amount of compensation to be offered to the City Manager as well as the terms of the City Manager’s contract will be made by the entire City Council in open session; and to take any additional action necessary to facilitate the City Manager Executive Search and Recruitment Plan.

SECTION III.

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

SECTION IV.

This Resolution shall take effect immediately upon passage.

PASSED this 28th day of March, 2016.

Bob Stone, Mayor

ATTEST:

Dianne Lampton, Clerk of Council

PREPARED BY: CITY ATTORNEY

SUMMARY

THIS RESOLUTION APPROVES THE FORMATION OF A THREE-MEMBER EXECUTIVE RECRUITMENT COMMITTEE TO FACILITATE IN THE CITY MANAGER EXECUTIVE SEARCH AND RECRUITMENT PLAN FOR THE CITY OF BEAVERCREEK, OHIO AND DELINEATES THE EXECUTIVE RECRUITMENT COMMITTEE'S ROLE AND RESPONSIBILITIES.

THIS IS NOT AN EMERGENCY RESOLUTION AND WILL BECOME EFFECTIVE IMMEDIATELY UPON PASSAGE.

**CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT**

MAC 32416

Meeting Date: <u>March 28, 2016</u>	Reference Topic: 2016 Resurfacing Program Cooperation Agreement with County Engineer
Agenda Reference No.: <u>VI.E.</u>	<u>Resolution 16-08</u>

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input checked="" type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input checked="" type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

Since 2003, the City has bid the annual resurfacing program through the Greene County Collective Bidding Program. This program allows for several jurisdictions to bid their resurfacing programs through the Greene County Engineer's Office, where the increased quantities give the opportunity for lower paving costs. These lower resurfacing costs allow the City to maximize the number of streets that can be paved annually. This program allows for the City to inspect all paving work, to make any necessary adjustments to the program as the budget allows, and to make payments directly to the contractor for completed work.

STAFF RECOMMENDATION:

The Greene County Engineer will open bids on March 24th for the collective bidding program. Before this work proceeds, the County Engineer has requested that the City enter into an agreement for the administration of this year's program. Once bids are open and the contract is awarded, the contractor's schedule will be worked out for the timeframe when work will commence.

It is therefore recommended that City Council approve the attached resolution authorizing the City Manager to execute the attached agreement.

**CITY OF BEAVERCREEK
RESOLUTION NO. 16-08**

SPONSORED BY COUNCIL MEMBER _____ ON THE 28TH DAY OF MARCH, 2016.

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER
INTO AN AGREEMENT WITH THE GREENE COUNTY ENGINEER FOR
THE PROJECT KNOWN AS THE COLLECTIVE PAVING FOR 2016.**

WHEREAS, the City of Beavercreek and the Greene County Engineer desire to enter into an agreement which will delineate responsibility for the funding and the administration of the Collective Paving for 2016 Project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERCREEK, OHIO, THAT:

SECTION I.

On behalf of the City of Beavercreek, the City Manager is hereby authorized to enter, with the Greene County Engineer, an agreement for the funding and the administration of the Collective Paving for 2016 project as approved by Beavercreek City Council on March 28, 2016 and attached as Exhibit 'A'.

SECTION II.

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

SECTION VI.

This Resolution shall become effective immediately upon its passage.

THIS RESOLUTION IS ADOPTED BY THE Council of the City of Beavercreek, Ohio this 28th day of March, 2016.

Bob Stone, Mayor

ATTEST:

Dianne Lampton, Clerk of Council

EXHIBIT A

**AGREEMENT BETWEEN THE GREENE COUNTY ENGINEER
AND
BEAVERCREEK CITY**

The Greene County Engineer and the City of Beavercreek (hereinafter referred to as the Engineer and the City, respectively), agree to the following:

WHEREAS, the City desires to participate with the Engineer in the competitive bid contracts for the **Collective Paving for 2016** as bid by the Greene County Engineer.

WHEREAS, all work within the City's jurisdiction, shall be inspected by and all questions decided which may arise as to quality and acceptability of materials furnished, work performed, the rate of progress; the interpretation of the specifications, by the City and the acceptable fulfillment of the contract on the part of the Contractor.

WHEREAS, the Contractor will invoice the City directly for the actual quantities of work performed, all line item extras, and/or negotiated extra work.

WHEREAS, The Engineer shall withhold all retainage for the total **Collective Paving for 2016** bidding contract from the County's share of the work. The Greene County Engineer will insure that the work has been performed in accordance with the City's instructions prior to releasing the retainage.

THEREFORE, the acceptance of this agreement is indicated by the signatures below:

GREENE COUNTY ENGINEER:

Witnessed by: _____

Robert N. Geyer, P.E., P.S.

CITY OF BEAVERCREEK BY:

By Resolution No: _____

Date: _____

Approved as to form by:



Prosecuting Attorney's Office
Counsel for County Engineer



CITY COUNCIL
Regular Meeting – April 11, 2016 6:00 p.m.
Council Chambers

PROCLAMATIONS

- ◆ National Public Safety Telecommunicators' Week

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND MOMENT OF SILENCE – Council Member Whilding
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
- VI. PUBLIC HEARING –PUD 541 MOD 2/16, Flying Ace Express Car Wash/Starbucks
 - A. Applicant Presentation
 - B. Staff Presentation
 - C. Public Input
 - D. Council Input
 - E. Ordinance 16-___
- VII. PUBLIC HEARING Z-16-2, Corle Rezoning
 - A. Applicant Presentation
 - B. Staff Presentation
 - C. Public Input
 - D. Council Input
 - E. Ordinance 16-___
- VIII. ORDINANCES, RESOLUTIONS AND PUDS
 - A. Resolution 16-___ DARE Grant
- IX. CITY MANAGER'S REPORT
- X. MAYOR'S REPORT
- XI. COUNCIL TIME
- XII. CITIZEN COMMENTS
- XIII. EXECUTIVE SESSION
- XIV. ADJOURNMENT



**AGENDA
CITY COUNCIL
Work Session – April 18, 2016, 5:00 p.m.
Council Chambers**

1368 Research Park Dr
Beavercreek, Ohio

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. DISCUSSION ITEMS
 - A. Improved Signage at Creekside Trail Street Crossings – Bikeway and Non-Motorized Transportation Advisory Committee
- V. INFORMATIONAL ITEMS
- VI. COUNCIL COMMITTEE/EVENT UPDATES
- VII. ADJOURNMENT

DRAFT

PLANNING DEPARTMENT STATUS REPORT

March 24, 2016

CITY COUNCIL

March 28, 2016

- PUD 93-4, Amendment 1/16, Ashton Brook Phase 5, third reading
- Z-16-1, TCN Behavioral, third reading (tabled 3/14/16)

April 11, 2016

- PUD 541, Major MOD Flying Ace Express/Starbucks, public hearing
- Z-16-2, 4230 Dayton-Xenia, public hearing, first reading

April 25, 2016

- Z-16-2, 4230 Dayton-Xenia, public hearing, second reading
-

May 9, 2016

- Z-16-2, 4230 Dayton-Xenia, third reading
-

Tabled / Delayed / Pending

-

PLANNING COMMISSION

April 6, 2016

-
-

May 4, 2016

- PUD 16-1, The Cottages of Beaver Creek, public hearing
-

Currently Tabled / Delayed

-

Commercial Permits Submitted and Under Review

- Galactic
- BSM Development

BOARD OF ZONING APPEALS

April 13, 2016

-
-

Currently Tabled or Delayed

-
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