

BEAVERCREEK CITY COUNCIL
REGULAR MEETING February 8, 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 Whilding, Vice Mayor Vann, Mayor Stone

ABSENT: Council Member Wallace

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

ALSO IN ATTENDANCE: Randy Burkett, City Planner; Michael Cornell, City Manager; Dennis Evers, Chief of Police; Bill Kucera, Financial Administrative Services Director; Dianne Lampton, Clerk of Council; Jeff McGrath, Planning & Zoning Director; Steve McHugh, Legal Counsel; Mike Thonnerieux, Public Administrative Services Director

PLEDGE

Council Member Jarvis the pledge and a prayer.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Council Member Litteral MOVED to approve the minutes of the January 16, 2016 Council Advance, seconded by Council Member Jarvis. Motion PASSED by majority voice vote.

Council Member Upton MOVED to approve the minutes of the January 25, 2016 Regular Meeting, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

Council Member Litteral MOVED to approve the minutes of the January 25, 2016 Work Session, seconded by Council Member Upton. Motion PASSED by majority voice vote.

ORDINANCES, RESOLUTIONS AND PUDS

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

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Council Member Litteral and Vice Mayor Vann recused themselves from this 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 recapped the details for this case. He said the Land Use Plan does have this area as research park and office development. He said Research Park does have strict requirements as of the type of use that are appropriate to be located within their park. He said given the research functions of TCN, their partnerships and research relationship with Wright State University, Research Park said this is a qualified use within the park. He said Mr. Otto will be speaking as to the operations of TCN to hopefully answer some of the questions out there regarding the misnomers as this being a treatment facility other than what the scope of services they will actually provide at this location. He said the services they provide are more a professional medical office research facility. He said there are no overnight treatments, this is more of a scheduled appointment medical research and rehabilitation/treatment facility.

Mr. Tom Otto 2252 Horseshoe Ct, Beavercreek, Ohio

Mr. Otto is the associate CEO of TCN. He said they plan to provide treatment for mental health, substance use, mental health group and individual counseling, psychiatric services, prevention services and case management to youth and adults. He said they would be bringing 30-35 jobs to the area. He said there is adequate and well-lit parking along with ground staff for maintenance. He said they will be serving an estimated 70-90 clients per day.

Brian Wright, attorney, Faruki Ireland and Cox P.L.L., Dayton, Ohio

Nathan Kernbau gave his three minutes speaking time to Mr. Wright.

Randall Clark gave his three minutes speaking time to Mr. Wright.

Mr. Wright said he represents Research Park Blvd. LLC which is the owner of the building directly adjacent to the proposed rezoning. He said he also represents Resonant Sciences, Nathan Kornbau and Randall Clark. He said he agrees with TCN's mission but the question today is what TCN does appropriate for where they are being located in this space. He credited Mr. Otto according to the meeting minutes, for being very honest of what he plans to do with this site. He said they are going to do mental health prevention, substance abuse and

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treatment, case management and psychiatric services with 70-90 consumers per day. He said his interpretation of that, while they may have some ancillary research activity, is a rehabilitation type center and not primarily a research center. He said they provide treatment for folks that are on community control and treatment for folks that receive intervention in lieu of conviction through the criminal justice systems. All things he supports and think are great. He said the question is are they appropriate to be where they are now. He was there for the company he represents because he believes this zoning issue is significant and was glad they were discussing it now to avoid issues later on. He said the zoning code is pretty specific as what it requires for public notice. He said there is some question in his clients and several other people that live around there of whether they received personal notice in this case. He said he thinks that's an issue but they were there now so let's talk about where we are right now. He said he's trying to prevent City Council and TCN from making a mistake. He said if they move to that facility not only will they damage the businesses and tax base of Beavercreek, it will violate the very intentional zoning code. He said it would damage, in his opinion, the opinion of his clients and several of the neighbors, the Miami Valley Research Park. He said they are going to tell you about that. He wanted to speak about the zoning code and his interpretation of it and how they can avoid some issues. He said this area is currently zoned as I-1 Light Industrial, He said they are trying to convert it to a Research Park District which includes the purpose to research and development type facilities, which includes offices and professional services that generally do not generate a large number of walk up customers, etc. He read the minutes from the last meeting and Council Member Jarvis asked the direct question of how does TCN fit in a Research Park 1 zoning criteria. He said the answer was it provides professional services. He said the appendix of the zoning code that is very particular about certain types of uses and whether it would apply to certain types of districts. It delineates physician facilities, medical facilities and drug treatment facilities. In the appendix, it does not state that those types of facilities would be appropriate in a research park, office research park or light industrial. He said this is significant because they want to avoid any issues later on. If the zoning passes and the facility goes in, there is some real danger they are walking into creating a public nuisance. If they violate the zoning code that's going to be a public nuisance per say and puts the city in an awkward position for having to issue, in his opinion, a lot of pressure from the community, violations and fines. He said the community and the neighbors have their own rights and can assert a private nuisance cause of action. He said these are all things we want to avoid. He said the City of Beavercreek is a unique area in southwest Ohio. It's very close to Wright Patterson Air Force Base, it attracts a large number of defense contractors many of which are in those research facilities that you will hear from tonight. He said they are very important to the City of Beavercreek and was sure

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you would agree. He said the City of Beavercreek is very proud of the fact that it doesn't have an income tax. It should be proud of the fact it attracts these defense contractors. He said he thinks the Miami Valley Research Park should be very proud of what it's done here to create a research park to attract businesses like this. He said allowing TCN Behavioral Services to move in the middle of a research park of defense contractors who all work on security clearance type projects would be problematic. He said to move in directly across the street from a pre-school would be even more problematic. He said this is the exact type of thing the zoning code needs to prohibit. He said it needs to prevent damages to these businesses that are neighbors, it needs to prohibit damages to the taxpayers of Beavercreek. It was his opinion that if TCN operates in here it would be violating zoning code and creating a public nuisance. He respectfully requested that City Council reject the attempt to amend the zoning for this area. He said he supports what TCN does and a lot, if not everyone here does. He said we want to help them find a place that's local, nearby, that would be appropriate for their business. He said there are plenty of places that are already zoned as a business zoned area or office zoned area that would be perfectly appropriate for what they do. He respectfully requested, after hearing from everyone, the Council reject this amendment.

Ron Sweeney, 4060 Executive Drive, Beavercreek, Ohio

Mr. Sweeney said he was the business owner for Coldwell Banker Heritage along with a mortgage and title company. He said when they pull out of Executive Drive they have an issue turning left. He believed this will cause a major issue for them. He said they also have an overall safety concern. He said he believes in what TCN does and run a really good business but it's not zoned appropriately for this area. He said they came to Research Park ten years ago and their lease is up in two years. He said they are looking to potentially buy it but this would make them reconsider significantly and they have about 40 jobs in that building. He said it is a major concern for them because they have a lot of clients coming in and out. He doesn't think it should be rezoned.

Micah North, 3975 Research Blvd, Beavercreek, Ohio

Mr. North is president of Resonant Sciences which is next door to the property in question. He said they have serious concerns about TCN moving in. He said they have 35 employees plus another 70-90 daily folks coming in and out. He said the traffic is already bad in that area. He knows in other cases when these things have been approved there has been a requirement to either widen the road, insert a traffic light or do something to mitigate the traffic situation. He overall from a research park standpoint has concerns about changing the makeup of the research park significantly. The research park has traditionally not been a group that has a large amount of retail walk up business that comes

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in and out. He did not know exactly what TCN's plan were for that facility but he understood that a lot of their facility is for walkup business. He supports the mission that TCN is performing with the drug epidemics that are going on in Ohio it's a greatly needed mission. He thinks very highly of them for doing this but did not believe the research park is appropriate for that with the businesses that are there and is afraid it could have a negative impact.

Ron Arnold 2496 Commons Blvd, Beavercreek, Ohio

Mr. Arnold said he has been involved in development in Beavercreek for thirty years and has never chosen to speak against anyone because he feels everyone has a right to do what they want to do unless we feel it begins to harm other businesses in which he is involved in. He said he was here with Spectral Energies getting approval for a building that is across the street from Coldwell Banker. He said Spectral Energies is what everyone has described here; a defense contractor that is on the rise and doing a lot of business with Wright Patterson Air Force Base. He said he worked to bring them back from Englewood. He said they have expressed concerns about security as they have employees that work late and are not always there with other people. He said security is a big issue and there isn't any security as they understand with this particular organization. He said property values is another concern. He said this a research park and this is what we want and to be affiliated with Wright-Patt; we want those types of businesses. He said for us to deviate from this path dilutes the concept of having research and development coming out of these areas. He said you have to plug all of the issues in and see if it really is a good fit. Maybe on paper it would be an allowable fit based on what you see but sit back and look at it long term. It's probably not the type of fit that we would like to see.

Katherine Gaskill, 421 Executive Drive, Beavercreek, Ohio

Ms. Gaskill is a 43 year resident of Beavercreek and works for MacAulay Brown which is the building across from the proposed facility. She said she supports the mission of TCN however MacAulay Brown is a long term tenant in facility across the street. She said they believe rezoning would impact the integrity of the businesses that are in the business park and would like to preserve the initial zoning at the business park of Light Industrial One. She said she would like to echo Mr. Wright in terms of Research Park zoning which would provide 70-90 clients coming into the facility on a daily basis. She said according to the definition of proposed zoning change it violates the language. She said safety is a concern. There is a pre-school across the street, the bike path, the adjacent businesses and the residents in the community. She said traffic congestion is a problem in the area and having 35 additional employees and approximately 70-90 clients coming in a daily basis would compound that concern. She said ideally an area near the Soin Medical Center would be ideal and also provides for

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public transportation which would be beneficial for potential clients. She supports the mission of TCN but doesn't believe the facility they are proposing is appropriate for what they do. She requested the City Council reject the rezoning application.

Travis Greenwood, 1360 Technology Ct, Beavercreek, Ohio

Mr. Greenwood is the president and CEO of the Green Tree Group which is located on Technology Court. He said they built the building in 2002 and admires the city, the police department and the road department. He supports the mission of TCN like everyone else. He said he has a couple different worries and explained when they moved into the park they were told what it was going to be zoned for. He said they moved there to be with their professional peers. He said unfortunately the rezoning request and what would have to go into that building does not meet the type of peers they want in their neighborhood. He said that does not say anything bad about the people who do need treatment, he is all for that. He also had a safety concern explaining they have, at least once per month, someone who comes into their building lost. If they are going to get more traffic with people that may have problems; he is worried about that. He said the cul-de-sac in the back is patrolled by police and there have been many times where they have had questionable cars there and people changing their oil. He worries about cliental that may still be having troubles visiting the treatment center doing something they shouldn't be doing. He said this is right next to their property.

Brent Huntsman, 4080 Executive Drive, Beavercreek, Ohio

Mr. Huntsman is the president and owner of Terran Corporation in the research park down the street from the subject property being discussed. He said they built the building in the research park specifically to gain the synergetic effects of having like-minded professionals as well as the type of business they do. He explained more than 50% of their work is federal, state and local government. He admired TCN's mission and what they are doing is absolutely necessary but not in a research park development. He believed the proposed changes to the research park zoning is not appropriate for the uses that have been in place for a number of years. He believed the property, if used by TCN, will create congestion and unsafe traffic conditions and security is something that has to be taken into consideration. He said the Terran Building has been vandalized along with capital property stolen by recovering addicts and felons in the last eight years. Security is something he believes should be taken a look at for the entire park if this type of venue of visitors or clients are always going to be exposed to the area.

Fred Burkhardt

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Mr. Burkhardt said his first obligation was to his two and a half year old son who is a student at Goddard. He said as a former director of housing community and economic development for Fresno, CA he is intimately familiar with the types of products and services that are being offered within the proposed zone. He felt the utilization of the proposed zone for the services provided by TCN does not fit for several reasons. He said if you consider 70-90 clients per day which he rounded to 80 with one trip in and one trip out constitutes 41,600 trips per year, five days per week, 8 to 5. He said given those numbers congestion on Grange Hall at this time, trying to get in to and out of Goddard safely is a question at 7:00 a.m.-7:30 a.m. and clearly 4:30 p.m. – 6:30 p.m. He said the connection between the proposed use and activities that don't quite meet the letter of the law is not uncommon. He said it's not the fault of TCN, it's the fault of those perpetrating the crimes. He wanted to consider the reputation of the City of Beavercreek. He said his company is growing, he performs analytics primarily for municipalities in dealing with the uses of land and assessments of property. If he were to choose to relocate and he had a choice between a property that was located immediately adjacent to or very close to a proposed use such as TCN is proposing he would pass it and move on. He is not a big company with 10-15 employees but would be making \$45-55,000 per year. Those are the kind of jobs that most cities would like. He said the mission of TCN should be applauded and is cleared needed but appropriate use for the property should not be what TCN is proposing. He urged Council to reject the application.

Lisa Durrant, 1423 Grange Hall Rd., Beavercreek, Ohio

Ms. Durrant is one of the owners of the Goddard School which is across the street from where TCN proposes to start their business. She walked and measured the distance stating it would take less than thirty seconds to get from their parking lot to hers. She said she is a nurse and has an investigative background and understands what happens and what can happen in these kind of businesses. She said they can't take that risk with the children or take the risk of someone who is incapacitated looking for treatment at seven o'clock in the morning and running into one of the parents or children. She said they can't take the chance of someone needing money or a fix or needing money to buy their treatment and looking at our families as a place to get that. She said their business could be destroyed by this. They have had many parents ask them already. Even with everyone agreeing this is a wonderful thing for TCN, it would not be a wonderful thing for Goddard. The parents do not want to take that chance.

Jeff and Connie Sawdey, 1430 Oat Ct., Dayton, Ohio

Mr., and Mrs. Sawdey own Sawdey Solution Services which is located behind the Northrup Grumman building. Their company employees over 250 individuals and

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currently the number one veteran owned company in Dayton. They applaud TCN's mission and has a family member who has issues so has firsthand experience with this but don't think the facility fits with the likeminded companies that brought them to this area. They have been in Beavercreek for nine years and currently on the last year of their lease. He doesn't want to move and doesn't want to be put in a position to look at this as an option. He said they live in Washington Township and a lot of their employees are all over the United States so they are not really tied here but they like it here. He does business with many of the other businesses in the Research Park. He said the treatment facility does not fit any more than putting liquor store next to an AA meeting place. It doesn't go well together.

Tony Witt

Mr. Witt explained he was with Cushman and Wakefield representing three of the buildings in Apple Valley. He said he was here because of the tenants that are concerned and he does not need competition when he goes to renew those leases. He said it is hard enough to attract tenants into the park today because there is so much space in the market. He doesn't think it is needed and it is not zoned for it. He asked Council to reject the proposal.

Alan Martinez, 2012 Wilberforce, Xenia, Ohio

Mr. Martinez said his son goes to the school along with his wife working across the street from the building in question and he is concerned with their safety. His wife will work either early in the morning or late at night. His best friend died in a car accident who was using drugs and he knows the consequences of people in this situation. He said they need help but they also can be dangerous people when they are pressed by the need. He did not want that risk for his child, his wife or any of the other children and parents. He said this is a safe place to walk around but it will not be safe for his family anymore.

Angie Daniele 3829 Taft Ave, Beavercreek, Ohio

Ms. Daniele said her sons go to Goddard School. As a parent she is concerned for the safety of her kids. If TCN were to come across the street from the Goddard School she would be dropping them off and worrying every single day if something bad is going to happen to them. She said she would reconsider sending her kids there but they have been there for years and does not want to do that. She said this is not going to be easy for the owners of Goddard if TCN is allowed to move in across the street. It will be an ongoing issue for them. She said the mission of TCN is worthy but does not believe the location is appropriate across the street from the Goddard School or the office park. She requested City Council to reject the rezoning application.

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Mike Anderson, 4021 Executive Dr., Beavercreek, Ohio

Mr. Anderson is the facility manager at MacAulay Brown Inc. who employs about 150 people and will be needing more space for another 15-20 people. They have been a tenant since 1996 with their main customer as the Department of Defense and Wright-Patt Air Force Base. He said they host a lot of meetings and their customers like the area. He said they live and die by the contract like any defense contractor. He said something like this going in would be a detriment to their industrial base and will have people looking long and hard if they should give them a particular contract. Their present leases are up at the end of next year and they will look long and hard as to whether or not to renew and whether or not their industrial base will be leaving them because of things like TCN coming into the area.

Tom Kornbau, Sugarcreek Township, Ohio

Mr. Kornbau is an employee at Resonant Sciences which does Department of Defense work. He is worried about building this business including recruiting people and selling them on the area.

Sean Simmons, Beavercreek, Ohio

Mr. Simmons spoke on behalf as a resident. He has two kids attending Goddard and is naturally concerned as is his wife. They drop them off early and pick them up late. They also use the bike path which is next to the property in question. He is concerned about his wife taking the kids there alone. He requested Council reject the rezoning application.

Brian Boggs, 1423 Grange Hall Rd., Beavercreek, Ohio

Mr. Boggs is another owner of the Goddard School. His kids along with 140 other kids attend the school. He said their biggest concern is to have parents drive by that every day. He said whatever TCN's mission is it is not something they necessarily need their parents see on a daily basis and definitely not what they need the kids seeing on a daily basis. He said 65% of his parents come from the office park or Wright-Patt. Goddard would be directly impacted by something like this if it were to go in across the street. He requested Council to reject the rezoning application.

Ron Miller, 538 Snyder Ct., Beavercreek, Ohio

Mr. Miller said he works at Resonant Sciences and is one of the building owners. He grew up in Beavercreek and just invested a lot in Beavercreek and is jealous of those who have leases ending and can get out of there. He said it's an awkward position to be in of wanting to be back home and things turn like that. He asked Council to reject the rezoning. He said many of the other companies could not be here and wrote letters.

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Clerk Lampton stated, for the record, there were letters and emails received regarding the rezoning. Brian Boggs, Goddard School, stating he was against the rezoning; Jeff Van Fleet, Lighthouse Technologies, stated he was against the rezoning; Michael Dyer, Orbital ATK, stated he was against the rezoning.

Public Input portion of the public hearing was closed.

Mayor Stone explained this was the second reading and it did not necessarily require any action on Council's part.

Council Member Jarvis said the advantage of having three readings is you have a chance to look at the zoning, what it says and ask people questions and investigate. He said he spoke with someone who works in a building in Kettering where a facility like TCN moved in. He read this facility's mission statement and is almost identical to TCNs. He said the issue of safety is what interests him. He said the management of the two buildings recommended that employees do not leave their cars unlocked and female employees to not go to their vehicles without an escort. The employee's company regrets not getting involved in the application process in Kettering. Council Member Jarvis was invited to watch what goes on in the evening and was told it would be eye opening. He said his priorities, as they have always been, is the safety of Beavercreek residents, employees and visitors. He said this decision will impact the city for a long time to come.

Council Member Whilding asked if there can be any overnight stays in this location. Mr. McGrath replied no. He said safety concerns should be directed to TCN and staff looks at the issue from a zoning perspective. Council Member Whilding confirmed that somebody can chose to come to the facility on their own or they could be court ordered. Mr. Otto replied yes. Council Member Whilding questioned the responsibility of transportation and whose responsibility is it to be sure they leave under the appropriate means that they came or are they just walking out. Mr. Otto said he believed some of the speakers earlier were referring to the severely and persistently ill. He said those cases would be primarily taken care of in the Xenia and Fairborn locations. He said the case management for this location would be for youth. He explained in terms of obligations for treating them it is to provide treatment and make sure they are doing everything the court has asked them to do. He has been in this business for over twenty-two years, seventeen withy TCN, and not one time have they had an issue with safety for their staff, or fear of locking their cars or anything like that. He said if you talk to their neighbors, like Bob Evans, Roosters or Frisch's, he felt they would say the same thing. He said in terms of the patients and how

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they interact, they are there to get help and that is their focus. It is not to wonder off the premises. It's similar to someone with high blood pressure or diabetes, it's a condition. He said we have 43 million Americans effected by mental health conditions. He said that is one in five, so chances are somebody in this room, your neighbors or your peers has a mental health condition. He said some of the stuff we're talking about is out of fear or fear of lack of understanding. He appreciated that and part of his job is to provide as much education to reduce the stigma and some of the myths of mental health and substance abuse. Council Member Whilding appreciated that and the mission of TCN but he was still struggling to understand if they are coming to the property what's the responsibility for making sure they leave under the means necessary. If we are talking drug abuse problems, he did not want anybody in a situation where there is an OVI. Mr. Otto explained for someone who would come in for chemical dependency counseling, they will drug test and anybody who does test positive arrangements would be made to get them home safely. He said they walk their clients in and out of the appointments. Council Member Whilding asked what the percentage of services are self-requested versus court ordered. Mr. Otto said about 70% come in on their own and 30% court ordered. He said if this was broken down between mental health versus chemical dependency it would look a little different. He said in most cases, these people are there because they want to be and recognize that they need help. When you recognize you need help you're there for that reason. He said they work closely with the Xenia Police Department and train with them as well as the Fairborn and Beaver Creek Police. He said the crime rate is not higher where they are and they are within a half mile of Cox Elementary in Xenia. They have had no issues with people wondering over to that property. They are there to get treatment and want to get better. He said we would not be able to pick them out in a crowd. Things we hear on the news are the rare cases and thankfully we don't hear about that too much in Greene County. Council Member Whilding requested a list of service calls to his location.

Council Member Upton asked if there was any interest to this property prior to TCN. Mr. McGrath explained that staff was not aware of it until the contractual stage to purchase the building. He said at the point they explained the proposed use wasn't permitted in the existing district. Council Member Upton said this property is next to an ASRA and they are looking to extend RP-1 across the street. He stated if the applicant had decided to purchase a building that was already zoned RP-1 we would not be going through the petition process. Mr. McGrath said depending on the scope of the services that is correct. Council Member Upton said his concern would be should we decline this particular issue and going forward another business comes in and wants to be RP-1 on that

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particular lot, we have set a precedent for everybody that we are not going to be rezoning that particular plot of land.

Council Member Whilding asked what ORP-1 was. Mr. McGrath said Office Research Park. Council Member Whilding asked if that included Goddard. Mr. McGrath said that it did. He explained that Goddard was added to the ORP-1 given it would provide accessory use to some of the people in the park and was added as a permitted use in that district.

Mayor Stone said the applicant is not TCN. Mr. McGrath explained the applicant is TCN, they are an authorized agent of the current owner of the property. Mayor Stone said it comes down to two issues: should the property be rezoned to RP-1 in the neighborhood it is in regardless of the use or do we want to keep it industrial; is the use TCN proposes a permitted use in Research Park Zoning? He said some of the other issues when it comes to straight zoning are not something they can address. Research Park seems to have had few things added to it over the years from its original intent. He said tonight they have two options which is do nothing and it moves to the third reading where this body would make a decision. He said they could continue the reading two weeks from now. He said if he didn't know the use he would think this property was very appropriately positioned to be RP-1.

Council Member Upton asked if the applicant has a timeline. Mr. Otto said pending approval they would up and running late summer/early fall. A two week delay would not impact TCN.

Council Member Jarvis MOVED to continue the second reading, seconded by Council Member Upton. Motion PASSED by a roll call vote of 4-0.

Mayor Stone said the second reading will continue at the February 22nd meeting at 6:00 p.m. He said they will make a decision at that meeting whether or not to allow any further public input. He explained it will not be automatic if there will be further public input as public input was closed at this meeting.

Council recessed for 10 minutes.

Resolution 16-04 Park Maintenance Agreement

Clerk Lampton read a Resolution authorizing the City Manager to enter into a Park Maintenance Agreement with Beaver Creek Township and Beaver Creek Township Park District

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Mr. Thonnerieux explained this was a request to allow the City Manager to enter into a Park Maintenance Agreement where the City would provide routine maintenance and repair of park facilities in partnership with Beaver Creek Township and Beaver Creek Township Park District. He said park staff has worked hard and are excited to be before Council with the agreement. He said the agreement provides a benefit to the residents because it will provide one face to the customer. They will be able to call one agency, the city, to be able to reserve shelters, talk about parks that need maintenance, or thank park personnel for providing great service. He said they will also be able to secure additional efficiencies. He said the agreement can be terminated with one year's notice and will renew automatically. Staff recommends approval of the Resolution.

Council Member Litteral said they have been working on eliminating the duplication of services between the Township and the City. This is a collaboration between the two entities and she hoped to find more avenues.

Council Member Whilding said his inquiry about the capital purchase is still concerning. He said a single item over \$5,000 and there is no definition of what maintenance is and it is in the eye of the beholder that this point. He thinks of everything as projects and gave the example of maintaining ten park benches and they are to the point of needing to be replaced. If they are \$4,900 each, he questioned if that would be capital or maintenance. He asked by this definition what is the lessee's position on this. Mr. Thonnerieux clarified Council Member Whilding was speaking of the capital improvements and fixed assets section which talks strictly about capital improvements and fixed assets. He explained in the example Council Member Whilding gave, if the bench needed to be repaired that would be taken care of under the maintenance section. If it was going to be replaced it would fall under whoever owned that facility. He said they have a \$5,000 threshold but they also have ability each year to provide a budget schedule to the owner of the facility and a capital improvement schedule stating the increase cost of capital purchase maintenance costs. He said this agreement is truly for maintenance of the facilities and not necessarily for capital improvements. He said they set the \$5,000 limit as a benchmark. If we can repair it we will but over the long term we will suggest it be replaced. Council Member Whilding said not only the dollar figure but that would be considered a fixed asset because by law anything fixed is anchored down. He said he did not recall the term fixed asset in that section. Mr. Thonnerieux said it is section three titled Capital Improvements and Fixed Assets. Mr. McHugh said not only is the requirement of capital expenditure but the ownership of the park. He said whoever owns that park is expected to provide and pay for capital improvements of that park. He said section one is in reference to what the city will be doing and

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that is routine maintenance and repair of park equipment, facilities and grounds. Council Member Whilding said 'fixed' in the title gives him confidence that this is going to work.

Council Member Jarvis asked if the Township and Township Park District had approved this. Mr. Thonnerieux said the city was the first to approve this and the others will be moving forward shortly.

Vice Mayor Vann questioned why two payments was chosen rather than four. Mr. Thonnerieux said it was something that all three parties agreed with. He said historically with the Rotary Park agreement this was the same setup and it was carried over with this agreement. Vice Mayor Vann said she would have liked it if there had been schedule of what they were going to do. She asked if there was any way to get out of the agreement after the first year if we figure out we have underbid. Mr. Thonnerieux said the contract can be terminated with a one year notice. He believed all parties would agree to discuss the terms again if something wasn't coming together. He said worst case scenario, if that failsafe didn't happen, there is the ability to terminate. Vice Mayor Vann said since this is new territory it may have been best to have a window of re-evaluation after a year. Mr. Thonnerieux said they reviewed the past five years' worth of expenses and then looked at how the city could run the park and what additional staffing would be needed. He said they feel comfortable with the costs. He said they attended the Ohio Parks and Recreation Association's conference and many across the state of looking at this type of a model for something that can be duplicated state wide because there are many agencies that have the multiple agencies at the local level servicing their community. He said this is a great first step to get us there and a great service model for the citizens.

Council Member Litteral said there is a list of what maintenance that may come up in the next two years.

Mayor Stone said anytime we can share services we are better off in the long run. He asked if this maintenance agreement supersedes that operation agreement for Rotary. Mr. Thonnerieux said this agreement will supersede the Rotary Park agreement. The city will maintain that facility and receive all the revenue from Rotary Park and be paid the 50% of operational costs that they were being paid previously. Mayor Stone liked the built in increases and will allow an automatic renewal with the increases.

Council Member Litteral MOVED to approve Resolution 16-04, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

February 8, 2016

Resolution 16-05 Authorize City Manager to Approve Tax Exempt Municipal Lease

Clerk Lampton read a Resolution authorizing the City Manager to enter into a tax-exempt municipal lease with Fifth Third Bank to finance the purchase of various capital equipment.

Mr. Kucera said there were two pieces of capital equipment in the budget financed through a lease option. One piece is a long striper to replace the current 2001 long striper which will cost about \$245,000. The other is a spray rig at the golf course which will cost about \$65,000. He said Fifth Third was the lowest quote for a five year lease at 1.75% and the city will own the equipment at the end of the lease. To proceed, Council would need to approve the Resolution authorizing the City Manager to enter into the lease/purchase agreement with Fifth Third.

Council Member Jarvis questioned the second whereas. Mr. Kucera said it was designed for two things. The spray rig in on the state bid and the long striper had to be put out to competitive bid for a company to construct it. He said that section is combining the two things. It was decided there needed to be a comma in the section.

Mayor Stone questioned the life expectancy of the equipment if there is a five year lease. Mr. Kucera said the long striper they currently have is a 2001 and the spray rig for the golf course that is being replaced will be repurposed to the Parks Department and is an original piece of equipment when the golf course was purchased.

Council Member Jarvis MOVED to approve Resolution 16-05, 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 received police notification from the Ohio Division of Liquor Control for a new D3 liquor permit for Chipotle Mexican Grill of Colorado LLC, DBA Chipotle Mexican Grill, 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 is recommending this application request move forward with no comment.

February 8, 2016

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

CITY MANAGER'S REPORT

Mr. Cornell said five weeks from tomorrow is Election Day, March 15th. He said there is a street levy issue for reconsideration. It is listed as Issue 1 and was initially approved in 1986 and has been approved every five years since. This levy will expire the end of 2016. The funds for this levy is 69% of the revenue for the street levy fund. With approval the cost is \$28 per \$100K of property value annual increase for a total cost \$107.63 per \$100k of property valuation. He said with approval of this levy Beavercreek maintains the second lowest cost of local government ranking 23 of 24 municipalities in the region. The new In Touch Newsletter will be mailed out shortly with the new format. City offices will be closed February 15th for President's Day. Council's Work Session will be held Tuesday, February 16th.

MAYOR'S REPORT

Mayor Stone attended ribbon cuttings for Bravo's and Designer Dogs. He attended the police award and the Chamber Awards. He said he rode to Hamilton to view the super street design that is being discussed at the work session.

COUNCIL TIME

Vice Mayor Vann said Clark State has a new facility for non-profit excellence. She suggested the courses be given at the Springfield and Beavercreek locations. This would include board certifications for non-profits.

Council Member Whilding attended the Family First meeting. He said the teacher loan forgiveness has changed to the public services loan forgiveness program. He would leave the information with the City Manager. Council Member Whilding reviewed the employee anniversaries. Congratulations to everyone.

CITIZEN COMMENTS

There were not citizen comments.

ADJOURNMENT

Council Member Upton MOVED to adjourn the meeting at 7:50 p.m., seconded by Council Member Jarvis. Motion PASSED by majority voice vote.

BEAVERCREEK CITY COUNCIL

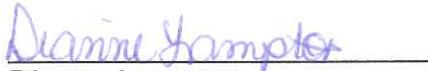
REGULAR

February 8, 2016



Bob Stone, Mayor

ATTEST:



Dianne Lampton
Clerk of Council
Cmin020816