

BEAVERCREEK CITY COUNCIL
REGULAR MEETING September 26, 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, Mayor Stone

ABSENT: Council Member Wallace, Vice Mayor Vann

TARDY: None

Council Member Litteral MOVED to excuse Council Member Wallace and Vice Mayor Vann, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

ALSO IN ATTENDANCE: 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; Moorman, City Engineer; Mike Thonnerieux, Public Administrative Services Director

PLEDGE

Council Member Litteral led the pledge and a moment of silence

APPROVAL OF AGENDA

Council Member Jarvis MOVED to amend the agenda by adding agenda item VI. E., Resolution 16-23., seconded by Council Member Litteral. Motion PASSED by majority voice vote.

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

APPROVAL OF MINUTES

Council Member Upton MOVED to approve the minutes of the August 29, 2016 Joint Work Session with Beaver Creek Township, seconded by Council Member Jarvis. Motion PASSED by majority voice vote. (Litteral abstained)

Council Member Litteral MOVED to approve the minutes of the September 12, 2016 Regular Meeting, seconded by Council Member Upton. Motion PASSED by majority voice vote.

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Council Member Whilding MOVED to approve the minutes of the September 19, 2016 Work Session, seconded by Council Member Upton. Motion PASSED by majority voice vote. (Stone abstained)

PRE-SCHEDULED PRESENTER

Chief Douglas Knight, Commissioner, CALEA (The Commission on Accreditation for Law Enforcement Agency)

Chief Knight thanked Council for welcoming him to present the July 2016 Advanced Law Enforcement Accreditation Award with Excellence to the Beaver Creek, Ohio Police Department. He said CALEA was created in 1979 when founding organizations, the International Association of Chiefs of Police, the National Association of Black Law Enforcement Executives, the National Sheriffs Association and the Police Executive Research Forum, recognized a need within the law enforcement community to develop a professional standards to enhance the delivery of these services to the citizens throughout the community they serve. He said since its inception, CALEA has accredited agencies across North America under standards developed by many of the best public safety practitioners and leaders of our time. He said these standards cover a wide range of administrative, operational and logistical issues and serve as a modern management model that provides the framework for recognizing professional excellence within public safety. He explained the goals of CALEA are to strengthen crime prevention and control capabilities, to formalize essential management procedures, to establish fair and non-discriminatory personnel practices, to improve service delivery, to solidify inter-agency cooperation and coordination and to increase community and staff confidence in the agency. Chief Knight said based on the goals and mission statement of CALEA he could think of no better time to present this accreditation certificate to the Beaver Creek Police Department than at a very public meeting where all could share and recognize the hard work of the Beaver Creek Police Department and their commitment to remain accredited. He said the certificate, itself, is simply a matted paper within a frame but it has a much broader symbolic meaning. He explained the certificate represents the agency's efforts to achieve accredited status thereby demonstrating its willingness to change in order to effectively address contemporary public safety concerns. It represents a commitment to doing the right thing and doing it the right way. It represents adherence to a professional code and an ongoing dedication to ensuring the agency's resources are appropriately developed, effectively deployed and constantly managed all in the name of a safer community for workers, visitors and customers. He said on March 13, 2016, two professional assessors arrived at the Beaver Creek Police Department to conduct a four day Gold Standard Assessment. He explained this process involves an in depth review of the agency's activities, functional components and management strategies based primarily on the observations of the assessors and their interviews with agency staff and

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community members. He said the assessors determined the agency was in compliance with all applicable standards. He said they also noted the agency's personnel were supportive of the accreditation process. The assessors specifically indicated the agency's responsiveness to having a positive impact on the community. He said at the commission meeting held in Baltimore, MD on July 30th, CALEA Commissioners reviewed the assessors' report, concurred with the findings and unanimously voted to reaccredit the agency. He said this was the sixth consecutive award presented to the Beaver Creek Police Department for advanced law enforcement accreditation. He explained the department was initially awarded on July 31, 1999. He said the commission awarded Beaver Creek, Ohio Police Department with the Award of Excellence based on the agency's effective utilization of accreditation as a model for the delivery of enhanced public safety, service, management and professionalism. Chief Knight presented the certificate to Chief Evers and Mayor Stone.

Chief Evers thanked Council, the City Manager and department heads for their support during this process. He said this could not be accomplished without this support. He thanked the men and women of the Beaver Creek Police Department because they are the ones that go out every day and deliver the service in a professional and efficient manner. He is proud of all of them and this is a testament to all of them. He said they could not do what they do on a daily basis without the support of our community and volunteers. He said it is a collaborative effort that results in this award and is honored and privileged to receive it.

Gussie Jones, Owen's Place

Ms. Jones reviewed the history of Owen's Place which started about ten years ago. She explained they looked into the need for a small recreational area where children with disabilities could play with children without disabilities. She said the project has grown from one little idea to something that is monumental. She said three years ago they opened an area called the shadow play area that has sensory aspects for people who are visually impaired or on the autism spectrum and have sensor issues. She said on August 27th they had an open house for the tree house village area. She said this area was funded primarily through a donation from Louise Jones and from a \$100,000 commitment from the Greene County Parks and Trails levy. She explained this area is a gradual ramped area that has four small playhouses on the bottom that was intended for children to use as an avenue for imagination. She said it was being used for that and much more. She said it has become a destination and an economic draw to Beaver Creek. She thanked everyone for their support.

ORDINANCES, RESOLUTIONS AND PUDS

Ordinance 16-20 PUD 16-2 Creekstone (Third Reading)

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Clerk Lampton read an Ordinance amending the Zoning Map, by rezoning approximately 67.91 acres of land located approximately 1,250 feet north and 1,675 feet east of the intersection of Grange Hall Road and Shakertown Road from A-1 Agricultural District and R-1A One Family Residential District to R-PUD, Residential Planned Unit Development, further described as Book 3, Page 13, Parcels 29 and 30 on the Greene County Property Tax Atlas. (PUD 16-2)

Council Member Upton MOVED to approve Ordinance 16-20, seconded by Council Member Jarvis. Motion PASSED by majority voice vote.

Resolution 16-19 Accepting Amounts and Rates and Certifying them to the County Auditor

Clerk Lampton 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 explained this is the Resolution that accepts the rates and amounts that were determined by the County Budget Commission for 2016 that are collected in 2017. He said this is the second phase of the process and these numbers are preliminary. He said there would be one more step in which the actual values of the properties are approved by the state and will be finalized in November/December. He explained they will be having their division and department budget meetings. On November 16th and 21st budget work sessions are scheduled with Council and are open to the public. At the December 12st meeting, Council will adopt the budget and appropriations for the 2017 fiscal year.

Council Member Litteral MOVED to approve Resolution 16-19, seconded by Council Member Whilding. Motion PASSED by a roll call vote of 5-0.

Resolution 16-21 Memorandum of Understanding Extending the Collective Bargaining Agreements with Fraternal Order of Police Lodge #160

Clerk Lampton read a Resolution authorizing the City Manager and Chief of Police to execute three memorandum agreement on contract extensions of understanding reflecting contract extensions with amended changes to Article 18 (insurance) and Article 20 (wages) and Article 28 (duration of agreement) of the City's Collective Bargaining Agreements with the Fraternal Order of Police Lodge #160 covering sergeants, patrol officers, and civilian employees.

Mr. McHugh explained there were three agreements which were basically the same terms. He said they would provide for a two year extension in which medical insurance would increase the same percentage of 1% each year of what the

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employees would pay and wages would increase 3% each year. He said all other terms would remain the same with the exception of the afore mentioned.

Council Member Upton expressed his appreciation for everyone's cooperation in the agreement and their hard work.

Council Member Litteral echoed Council Member Upton's comments.

Mr. McHugh stated the employees had already accepted the terms.

Council Member Upton MOVED to approve Resolution 16-21, seconded by Council Member Jarvis. Motion PASSED by majority voice vote.

Resolution 16-22 Authorization of Appointment of Special Legal Counsel

Clerk Lampton read a Resolution by the Beaver Creek City Council Authorizing the appointment of special legal counsel.

Mr. McHugh said this would retain two attorneys for representation of two officers' actions.

Council Member Jarvis MOVED to approve Resolution 16-22, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

Resolution 16-23 Authorizing of Memorandum of Understanding with Greene County Regarding U.S. Superstreet

Clerk Lampton read a Resolution by the Beaver Creek City Council authorizing the City Manager to enter into a Memorandum of Understanding with Greene County regarding the Superstreet Project on U.S. 35.

Mayor Stone explained the Township, County and the City have been working a long time on an agreement that concerns the U.S. 35 Superstreet. He thought this was a fair and equitable solution for funding.

Council Member Upton asked if the City had seen the Township's Memorandum of Understanding. Mr. McHugh said it was approved earlier that day but had not seen it. Mayor Stone said he had been briefed on it but had not read it. He said the dollar amount is the same but the wording is more protective for the City.

Council Member Litteral appreciated the collaboration between the County, Township and the City. She said this has a major impact on the eastern side of the county. It is a big undertaking for everyone involved. She thought the city's

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interest was smaller than that of the Township and County. She didn't think the project she would like to see will happen in her lifetime and this was a band aid.

Council Member Jarvis appreciates that cooperation between the entities and thought this was the best solution with the available funding and it was time to move forward.

Council Member Litteral MOVED to approve Resolution 16-23, seconded by Council Member Jarvis.

Council Member Upton questioned how the repayment of the loan would be addressed in the budget. Mr. McHugh explained no payments were required for the first five years with no less than a \$25,000 payment in the latter five years with repayment of the loan completed by year 2026. Mr. Kucera said it be listed in the Five Year Capital Plan and the details of the repayment is being worked out.

Mayor Stone explained the local match for the project is \$1,563,889 and with this agreement the City share would be \$250,000. The township's share is \$250,000 with the balance the responsibility of the County. He explained the original negotiation was the County wishing the entities paying 1/3 each of the local match. He applauded everyone working together to come to an agreement.

Motion PASSED by majority voice vote.

LIQUOR PERMITS

Chipotle Mexican Grill of Colorado LLC (New)

Chief Evers said the Ohio Division of Liquor Control sent police notification of a request for a new D5 liquor permit for Chipotle Mexican Grill of Colorado LLC, DBA Chipotle Mexican Grill 2720, 2544 Zink Rd., Beavercreek, OH 45324. The record checks required by the Ohio Department of Commerce – Division of Liquor Control were conducted on the applicant/shareholders for this application request. Staff recommended this new liquor permit request move forward with no comment.

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

Samibrothers Inc., DBA Factory Drive Thru (Transfer)

Chief Evers said the Ohio Division of Liquor Control sent police notification of a request to transfer a C1, C2 liquor permit for Factory Drive Thru LLC, DBA Factory Drive Thru, 2508 Richmar, Beavercreek, OH 45434 to Sami Brothers Inc., DBA Factory Drive Thru, 2508 Richmar, Beavercreek, OH 45434. The record checks required by the Ohio Department of Commerce – Division of Liquor Control were

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conducted on the applicant/shareholders for this applications request. Staff recommended this liquor permit transfer move forward with no comment.

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

CITY MANAGER'S REPORT

No report.

MAYOR'S REPORT

Mayor Stone said the first art festival at Community Park was a fantastic event.

COUNCIL TIME

Council Member Litteral congratulated the police department on their award. She also congratulated the volunteers who have worked or donated towards Owen's Place.

Council Member Upton thanked the Beavercreek Historical Society for the Heritage Day event.

Council Member Jarvis said Owen's Place is a great facility. He said there was a 5K race fundraiser last weekend there to benefit Owen's Place.

Council Member Whilding said they need to be strategic about what to do about Factory Road in the future.

CITIZEN COMMENTS

There being no citizen comments, citizen comments was closed.

ADJOURNMENT

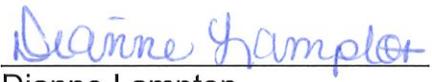
Council Member Whilding MOVED to adjourn the meeting at 6:45 p.m., seconded by Council Member Upton. Motion PASSED by majority voice vote.



Bob Stone, Mayor

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ATTEST:



Dianne Lampton
Clerk of Council
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