

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

PRESENTATIONS

- ◆ Donation Presentations by the Popcorn Festival Committee

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

TARDY: None

ALSO IN ATTENDANCE: Jill Bissinger, Human Resources; Michael Cornell, City Manager; Bill Kucera, Financial Administrative Services Director; Dianne Lampton, Clerk of Council; Jeff McGrath, Planning & Zoning Director; Steve McHugh, Legal Counsel; Nick Smith, Assistant City Engineer; Mike Thonnerieux, public Administrative Services Director

PLEDGE

Council Member Whilding led the pledge and a moment of silence

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Vice Mayor Vann MOVED to approve the minutes of the October 17, 2016 Work Session, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

Council Member Litteral MOVED to approve the minutes of the October 24, 2016 Regular Meeting, seconded by Council Member Jarvis. Motion PASSED by majority voice vote.

Council Member Wallace MOVED to approve the minutes of the October 26, 2016 Special Meeting, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

ORDINANCES, RESOLUTIONS AND PUDS

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Ordinance 16-22 Repealing Current Section 132.13 “Panhandling” and adopting New Section 132.13 “Panhandling” (Third Reading)

Clerk Lampton read an Ordinance repealing current Section 132.13 “Panhandling” of the City of Beavercreek Code of Ordinances, and adopting new Section 132.13 “Panhandling” of the City of Beavercreek Code of Ordinances.

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

Ordinance 16-23 Repealing Current Chapter 112 “Peddling, and Soliciting, and Distribution” and Adopting new Chapter 112 “Peddling, and Soliciting, and Distribution” (Third Reading)

Clerk Lampton read an Ordinance repealing current Chapter 112 “Peddling and Soliciting” of the City of Beavercreek Code of Ordinances and adopting new Chapter 112 “Peddling, Soliciting, and Distribution” of the City of Beavercreek Code of Ordinances.

Vice Mayor Vann MOVED to approve Ordinance 16-23, seconded by Council Member Upton. Motion PASSED by majority voice vote.

Ordinance 16-24 Adopting New Section 76.17 “Parking of Large and Oversize Vehicles on Streets” (Second Reading)

Clerk Lampton read an Ordinance adopting new section 76.17 “Parking of Large and Oversize Vehicles on Streets” of the City of Beavercreek Code of Ordinances.

There being no input, the public hearing was closed.

This Ordinance will move automatically to the Third Reading.

Ordinance 16-25 Repealing Current Section 70.01 “Definitions” and Adopting New Section 70.01 “Definitions” (Second Reading)

Clerk Lampton read an Ordinance repealing current Section 70.01 “Definitions” of the City of Beavercreek Code of Ordinances, and adopting new Section 70.01 “Definitions” of the City of Beavercreek Code of Ordinances.

There being no input, the public hearing was closed.

This Ordinance will move automatically to the Third Reading.

Ordinance 16-26 Repealing Current Section 76.99 “Penalty” and Adopting New Section 76.99 “Penalty” (Second Reading)

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Clerk Lampton read an Ordinance repealing current Section 76.99 "Penalty" of the City of Beavercreek Code of Ordinances, and adopting new Section 76.99 "Penalty" of the City of Beavercreek Code of Ordinances.

There being no input, the public hearing was closed.

This Ordinance will move automatically to the Third Reading.

Resolution 16-27 Approval of Petitions for Ohio Energy Special Improvement District (Tabled from the October 24, 2016 meeting)

Clerk Lampton read a Resolution approving a petition, articles of incorporation and initial plan for the City of Beavercreek (Greene County), Ohio Energy Special Improvement District.

Mr. McHugh advised to continue to table the next two Resolution so they may be passed at the same time as the corresponding Ordinances.

Vice Mayor Vann MOVED to continue to table Resolution 16-27, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

Resolution 16-28 Declaring the Necessity of Certain Public Improvements (Tabled from the October 24, 2016 meeting)

Clerk Lampton read a Resolution declaring the necessity of acquiring and constructing certain public improvements in cooperation with the City of Beavercreek (Greene County), Ohio Energy Special Improvement District and the Greene County Port Authority.

Council Member Wallace MOVED to continue to table Resolution 16-28, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

Ordinance 16-27 Determining to Proceed with Acquisition, Construction and Improvement of Certain Public Improvements (Second Reading)

Clerk Lampton read an Ordinance determining to proceed with the acquisition, construction and improvement of certain public improvements in cooperation with the City of Beavercreek (Greene County), Ohio Energy Special Improvement District and the Greene County Port Authority and declaring an emergency.

There being no input, the public hearing was closed.

This Ordinance will move automatically to the Third Reading.

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Ordinance 16-28 Levying Special Assessments for the Purpose of Acquiring, Constructing and Improving Certain Public Improvements (Second Reading)

Clerk Lampton read an Ordinance levying special assessments for the purpose of acquiring, constructing and improving certain public improvements in cooperation with the City of Beavercreek, (Greene County), Ohio Energy Special Improvement District and the Greene County Port Authority and declaring an emergency.

There being no input, the public hearing was closed.

This Ordinance will move automatically to the Third Reading.

Ordinance 16-29 Authorize City's Participation in Financing Special Energy Improvement Projects (Second Reading)

Clerk Lampton read an Ordinance authorizing the City's participation in financing special energy improvement projects in cooperation with the Port Authority; authorizing the execution of documents to effectuate such financing; and declaring an emergency.

There being no input, the public hearing was closed.

This Ordinance will move automatically to the Third Reading.

Resolution 16-30 Necessity and Intent to Appropriate Property (Daniel O'Brien Properties, LLC) for the Dayton-Xenia Road Widening Project

Clerk Lampton read a Resolution to declare the necessity and intent to acquire certain parcels or real estate and other property interests owned by R&P Middletown Properties, LLC, with interest by others, for the Dayton-Xenia Road Widening Project, in the City of Beavercreek, Ohio.

Mr. Smith said he would be discussing three properties for possible appropriation for the Dayton-Xenia Road Widening project scheduled to begin construction in 2017. He explained the first property had a name change from Daniel O'Brien Properties to R&P Middletown Properties, LLC. He said out of the 50 property owners involved there were only these three that may need to go to appropriations. Mr. Smith explained they have attempted to make contact with Mr. O'Brien and would continue to do so. He said the City is getting close to the ODOT date for right-of-way certifications.

Mayor Stone explained the Resolution is to declare the necessity and the accompanying Ordinance is to appropriate.

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Vice Mayor Vann MOVED to approve Resolution 16-30, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

Ordinance 16-31 Appropriate the Right-of-Way (Daniel O'Brien Properties, LLC) for the Dayton-Xenia Road Widening Project (Emergency)

Clerk Lampton read an Ordinance to appropriate certain real property interests owned by R&P Middletown Properties, LLC, for the Dayton-Xenia Road Widening Project, in the City of Beavercreek, Ohio and declaring an emergency.

Mr. Smith explained this was the companion Ordinance to the Resolution.

Vice Mayor Vann MOVED to approve Ordinance 16-31, seconded by Council Member Litteral. Motion PASSED by a roll call vote of 7-0.

Resolution 16-31 Necessity and Intent to Appropriate Property (3455 Dayton-Xenia, LLC) for the Dayton-Xenia Road Widening Project

Clerk Lampton read a Resolution to declare the necessity and intent to acquire certain parcels or real estate and other property interest owned by 3455 Dayton-Xenia, LLC, with interest by others, for the Dayton-Xenia Road Widening Project, in the City of Beavercreek, Ohio.

Mr. Smith explained the location of this property was just west of the Busy Beaver. Mr. Smith explained they have been in contact with the owner but unable to agree upon the terms of the sale of the land. He said they will continue to try to come to an agreement.

Council Member Jarvis MOVED to approve Resolution 16-31, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

Ordinance 16-32 Appropriate the Right-of-Way (3455 Dayton-Xenia, LLC) for the Dayton-Xenia Road Widening Project (Emergency)

Clerk Lampton read an Ordinance to appropriate certain real property interests owned by 3455 Dayton-Xenia, LLC, for the Dayton-Xenia Road Widening Project, in the City of Beavercreek, Ohio and declaring an emergency.

Council Member Upton MOVED to approve Ordinance 16-32, seconded by Council Member Litteral. Motion PASSED by a roll call vote of 7-0.

Resolution 16-32 Necessity and Intent to Appropriate Property (John L. Deal, Trustee) for the Dayton-Xenia Road Widening Project

Clerk Lampton read a Resolution to declare the necessity and intent to acquire certain parcels or real estate and other property interest owned by John L. Deal,

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Trustee, with interest by others, for the Dayton-Xenia Road Widening Project, in the City of Beaver Creek, Ohio

Mr. Smith explained they have been in contact with Mr. Deals and have an agreement. He said they were having issues with the mortgage company giving the City partial lien. He said the City is moving forward with the appropriation in case they cannot get the partial mortgage release completed in time.

Council Member Litteral MOVED to approve Resolution 16-32, seconded by Council Member Wallace. Motion PASSED by majority voice vote.

Ordinance 16-33 Appropriate the Right-of-Way (John L. Deal, Trustee) for the Dayton-Xenia Road Widening Project (Emergency)

Clerk Lampton read an Ordinance to appropriate certain real property interests owned by 3455 Dayton-Xenia, LLC, for the Dayton-Xenia Road Widening Project, in the City of Beaver Creek, Ohio and declaring an emergency.

Council Member Litteral MOVED to approve Ordinance 16-33, seconded by Council Member Wallace. Motion PASSED by a roll call vote of 7-0.

DECISION ITEMS

Appointment to Board of Zoning Appeals

Vice Mayor Vann MOVED to open nominations, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

Vice Mayor Vann nominated Alex Hight.

Council Member Wallace MOVED to close nominations, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

Council Member Wallace MOVED to appoint Alex Hight to the Board of Zoning appeals for the term ending February 28, 2019, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

CITY MANAGER'S REPORT

Mr. Cornell explained there would be two budget work sessions scheduled for Wednesday, November 16th and Monday, November 21st both at 5:00 p.m. City offices will be closed for Thanksgiving November 24th and 25th. For non-emergencies, please contact the Beaver Creek Police Department at (937) 426-1225.

MAYOR'S REPORT

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Mayor Stone thanked the Moose Lodge for the dinner for the police and fire department. He thanked the Parks Department for a successful Veterans' Day Event. Volunteers helped last Saturday with the renovations of Shoup Park. He thanked all those involved.

COUNCIL TIME

Council Member Whilding said there were volunteers from Beaver Creek Pizza Dive, Beaver Creek Church of the Nazarene and the Beaver Creek Park Board for helping with Shoup Park, along with Submarine House who provided food for the volunteers.

Council Member Jarvis said they had the reopening of Grangeview Acres Park on November 3rd. He thanked the Hilton Garden Inn of Beaver Creek and the Wright State Basketball team for their efforts in the improvements. The Beaver Creek Church of the Nazarene will be hosting a Community Thanksgiving lunch on Thursday, November 24th, from 11:00 a.m. – 2:00 p.m.

Council Member Litteral said the Beaver Creek Church of the Nazarene is looking for volunteers from the community for Thanksgiving. Please contact Sharon Fulcher at 426-3926.

Council Member Upton thanked the Popcorn Festival Committee for giving back to the community. He thanked the voters for passing Issue 1.

Council Member Wallace thanked the Moose Lodge #73 for the dinner. She thanked Springhill Suites for hosting an open house to show off the new hotel. She said Chamber Links will be held at the Courtyard Marriott from 5:30 p.m. 7:30 p.m. who just completed renovations. She thanked everyone for the congratulations for her induction into the Ohio Veterans Hall of Fame. She wished everyone a happy and healthy Thanksgiving.

Vice Mayor Vann updated everyone with information she received from the Greene County Family and Children First and Mayors and Managers meetings.

CITIZEN COMMENTS

There being no citizen comments, citizen comments was closed.

EXECUTIVE SESSION

Council Member Jarvis MOVED to enter into Executive Session at 6:42 p.m. pursuant to Section 121.22 of the Ohio Revised Code, for the purpose of the appointment and employment of a public employee or official, seconded by Council Member Wallace. Motion PASSED by a roll call vote of 7-0.

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Vice Mayor Vann MOVED to adjourn executive session at 7:21 p.m., seconded by Council Member Litteral . Motion was PASSED by roll call vote of 7-0.

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

ORDINANCES, RESOLUTIONS AND PUDS

Resolution 16-29 Hiring of City Manager

Clerk Lampton read a Resolution by the Beaver Creek City Council to enter into an employment agreement with Pete Landrum to serve as City Manager for a three-year term.

Council Member Upton MOVED to approve Resolution 16-29.

Council Member Whilding MOVED to amend Attachment A, Section 12. Dues Subscriptions and Memberships by adding "However, such expense shall be within the constraints of the approved budget, which the City agrees shall be established within the sole discretion of the City at an amount deemed appropriate by the City." Seconded as amended by Council Member Wallace. Motion PASSED by a roll call vote of 7-0.

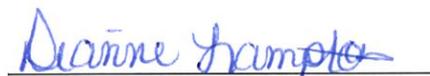
ADJOURNMENT

Council Member Upton MOVED to adjourn the meeting at 7:27 p.m., seconded by Council Member Litteral. Motion PASSED by majority voice vote.



Bob Stone, Mayor

ATTEST:



Dianne Lampton
Clerk of Council
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