

BEAVERCREEK CITY COUNCIL
REGULAR MEETING January 28, 2019 6:00 p.m.

CALL TO ORDER

Mayor Stone called the meeting to order followed by roll call

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

ABSENT: None

ALSO IN ATTENDANCE: Dennis Evers, Chief of Police; Kim Farrell, Recreation Supervisor; Theresa Hathaway, Fiscal Officer; Bill Kucera, Financial Administrative Services Director; Pete Landrum, City Manager; Steve McHugh, Legal Counsel; Dianne Miscisin, Clerk of Council; Jeff Moorman, City Engineer; Mike Thonnerieux, Public Administrative Services Director; Zack Wike, Assistant Supervisor-Parks

PLEDGE

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

APPROVAL OF AGENDA

Council Member Upton MOVED to add an Executive Session after Citizen Comments, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

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

APPROVAL OF MINUTES

Council Member Rushing MOVED to approve the December 10, 2018 Regular Meeting Minutes, seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote. Abstain: Litteral and Upton

Council Member Litteral MOVED to approve the January 14, 2019 Regular Meeting Minutes, seconded by Council Member Curran. Motion PASSED by majority voice vote. Abstain: Rushing and Garcia

ORDINANCES, RESOLUTION AND PUDS

Resolution 19-10 Placement of a 2 Mills Renewal Street Levy on the May 7, 2019 Ballot (Continuous)

Clerk Miscisin read a Resolution to proceed to levy a renewal tax in excess of the ten-mill limitation, as stated in Section 5705.19 and subsection 5705.19(G) as amended, of the Ohio Revised Code, for constructing, reconstructing, resurfacing,

January 28, 2019

and repairing streets, roads and bridges as authorized by the Ohio Revised Code, which levy shall be two (2) mills which is a renewal of an existing levy of two (2) Mills to run for a continuing period of time and declaring the question of the renewal tax levy shall be submitted to the electors at the special election to be held May 7, 2019.

Mr. Thonnerieux reviewed the current existing capital street levy which was set to expire the end of 2019. He said this levy was dedicated for funding capital improvements only. He said by the end of this first five year cycle of this levy 30% of the roadways would be resurfaced and 7.3 miles of curbing replaced. He reviewed a listing of road construction that was able to be completed because of the levy. He said the engineering department was able to apply and receive grants funds amounting to approximately \$15.5 million because of this levy. He said this levy allows the city to stretch local dollars by continuing to apply for grants that may not be constructed for five years from now. He said stabilizing the revenue stream would allow the city continuity that those dollars were there for maintaining the city's infrastructure. He said the levy also allows the city to address local projects that are not eligible for grant funding. Mr. Thonnerieux said it was staff's recommendation to move forward with a 2 mill renewal for a continuing period of time. He said it would cost residents \$70 per \$100,000 valuation of property which is no increase and would generate \$2.6 million annually for capital street projects.

Council Member Upton said Council has looked at this levy and it has been beneficial. The dollars have gone to work for the citizens. He said this has been discussed at length at prior work sessions.

Mayor Stone said staff does an excellent job in acquiring grant money.

Council Member Litteral MOVED to approve Resolution 19-10, seconded by Council Member Vann. Motion PASSED by a roll call vote of 7-0.

Council Member Rushing MOVED according to Roberts Rules to amend the agenda by removing agenda item VI. A. 2. Resolution 19-11, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

Resolution 19-12 Placement of .9 Mills Renewal Plus .3 Mills Increase Park Levy on the May 7, 2019 Ballot (Continuous)

Clerk Miscisin read a Resolution to proceed to levy a renewal tax in excess of the ten-mill limitation, as stated in Section 5705.19 and subsection 5705.19(H) as amended, of the Ohio Revised Code, for parks and recreational purposes as authorized by the Ohio Revised Code, which levy shall be one and two tenths (1.2)

January 28, 2019

mills which is a renewal of an existing levy of nine tenths (0.9) Mills plus an increase of three tenths (0.3) Mills to run for a continuing period of time, and declaring the question of the renewal plus increase tax levy shall be submitted to the electors at the special election to be held May 7, 2019.

Mr. Thonnerieux reviewed the current park levy which has been very successful and was expiring the end of 2019. He said they were able to impact every park within the city with this levy. He reviewed many of the improvements including replacing 10 playgrounds, skate park pieces and resurfacing Virgallito Park. He discussed the options for Council's consideration. Staff's recommendation was a .9 mill levy plus a .3 mill increase for a continuous period of time. This levy would cost \$42 per \$100,000 valuation of property and is dedicated only for the operation, maintenance and repair of city parks, recreation facilities, neighborhood parks and the Beavercreek Senior Center.

Mr. Landrum reviewed the breakdown of the parks, recreation and culture expenses which was made up of 52% for park maintenance, 21% for the Senior Center, 13% for recreation programs, 9% capital improvements and 5% for debt service for the Lofino Center expansion.

Council Member Litteral reminded everyone this does not include the golf course or any additional recreation facilities. This is for the operation and maintaining of current facilities.

Council Member Litteral MOVED to approve Resolution 19-12, seconded by Council Member Curran. Motion PASSED by a roll call vote of 7-0.

Council Member Rushing MOVED according to Roberts Rules to amend the agenda by removing agenda item VI. B. 2-6, Resolutions 19-14, 19-15, 19-16, 19-17 and 19-18, seconded by Council Member Upton. Motion PASSED by a roll call vote of 7-0.

Resolution 19-20 Authorize Agreement with Enterprise Pipeline for Shakertown Extension

Clerk Miscisin read a Resolution authorizing the City Manager to enter into an agreement with the Enterprise TE Products Pipeline Company, LLC for the city encroachment into an existing pipeline easement necessary for the Shakertown Road Extension Project.

Mr. Moorman said one of the projects approved in capital budget for the 2019 was the extension of Shakertown Road to Factory Road. He said in building this project

January 28, 2019

they would have to cross an existing gas pipeline. He said within that pipeline there was an existing easement and the city needs to get permission from the owner of the pipeline to construct the road through that existing easement. He said they had negotiated an agreement which spells out the terms in which would be allowed to construct the road within the existing easement. He said this was very dangerous to mess with and there was a lot of caution necessary when working closely with the pipeline. He said the city assumes liability with this agreement because it's the city's project and contractor. The agreement defines that encroachment that is permitted and requires insurance. He said there were a couple last minutes changes to the agreement.

Mr. McHugh said the version included in the packet was not the correct version that they had sent. He said the final version was given to each council member tonight and a motion would be needed to substitute the agreement.

Council Member Upton MOVED to substitute the encroachment agreement with what was presented on paper this evening versus what was provided in the council packet, seconded by Council Member Vann. Motion PASSED by majority voice vote.

Council Member Vann MOVED to approve Resolution 19-20, seconded by Council Member Upton. Motion PASSED by majority voice vote.

Resolution 19-19 Update City's Purchasing and Credit Card Program Policy
Clerk Miscisin read a Resolution updating the City of Beavercreek's purchasing card and credit card policy and procedures pursuant to House Bill 312 and in compliance with Ohio Revised Code Section 717.13(A).

Ms. Hathaway said the city had implemented a purchasing card program in 2009. She said before the program was implemented detailed policies, procedures and internal controls including extensive training were put into place. Each year, as part of the annual financial audit by the state, our purchasing card program has been audited. In the past ten years the auditor has never issued any exceptions or comments related to our purchasing cards. Recently, the Auditor of State proposed new legislation regarding credit cards that was passed as part of House Bill 312. House Bill 312 contains amendments to the ORC which further regulates the use of credit and debit cards. The current policy was in compliance for the most part except for a few minor items that needed updated. Because of these amendments the purchasing card policy was updated to be in compliance with the Bill. One of the requirements of the Bill was that the city's purchasing card policy be adopted by Council, therefore the city's purchasing card policy was changed from an administrative memo to an actual policy. House Bill 312 also requires a

January 28, 2019

listing of all credit card holders and their spending thresholds. The new policy also stipulates that a report shall be filed with Council on an annual basis detailing all rewards received which typically was a rebate based on annual card usage. The Bill also requires that the controls be formally adopted for store issued credit cards.

Council Member Vann asked how long the city been using credit cards. Ms. Hathaway said about ten years.

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

Ordinance 19-01 Amending the 2019 Annual Appropriations

Clerk Miscisin read an Ordinance to amend the Annual Appropriations for the City of Beavercreek, State of Ohio, for the fiscal year beginning January 1, 2019 and ending December 31, 2019 and to amend Ordinance 18-28.

Ms. Hathaway explained while finalizing the annual appropriations to be submitted to the County Auditor, a formula error was noted with the 2019 beginning fund balance for the street maintenance fund (204). Because of this error the beginning fund balance for 2019 was overstated by \$650,000. Appropriations for the current year need to be amended. A detailed analysis was completed on all the street funds and it was determined that to balance the fund two projects needed to be re-appropriated for the street levy fund (203). It was also determined that the Kemp Road widening project in the street levy fund could be easily delayed to 2020. To correct this error staff recommended adoption of the Ordinance.

Council Member Vann MOVED to approve Ordinance 19-01, seconded by Council Member Litteral. Motion PASSED by a roll call vote of 7-0...

LIQUOR PERMITS

Flyby LLC DBA Flyby BBQ (New)

Chief Evers said the Ohio Division of Liquor Control sent notification of a request regarding a new D5 liquor permit for Flyby LLC DBA Flyby BBQ, 2733 Fairfield Commons, Ste. 3A, Beavercreek, Ohio 45431. 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.

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

January 28, 2019

COUNCIL TIME

Council Member Curran said he, Council Litteral and Council Member Vann attended the Voice of Democracy dinner at the VFW.

Council Member Upton thanked the road crews during the winter storms. Please check on your pets and you neighbors.

Council Member Vann attended the Greene CATS meeting. She said they have increased the fleet to help people with disabilities to get to their work opportunities.

Council Member Rushing was contacted by the Dayton Airport TCA Release Effort which is for those affected by the federal shutdown. The group receives donations or if you need support please contact Rebecca Karason at rkarason@yahoo.com.

Council Member Litteral congratulated the staff for being nominated for the 2019 Civils Rights Transportation Symposium Award. She congratulated the winners of the Voice of Democracy and Patriots Pen.

MAYOR'S REPORT

Mayor Stone said Beaver creek Community Night at Wright State University would be Thursday, February 7th. He said while he was on vacation there was some discussion regarding the Dayton Business Journal's article highlighting Beaver creek. He said he received a call from a county commissioner regarding a CIC. He said this council has not taken official action on a CIC but it was something that had been discussed on numerous occasions and was approved in the budget. He said council would have future discussions as to whether or not a CIC is necessary. He said it was a tool that was given to communities if they wish to exercise it. He said there would be discussions amongst themselves and with the county.

CITY MANAGERS REPORT

Mr. Landrum said the Lofino Plaza Palooza would be held on Tuesday, January 29 from 6-7:30 at the Senior Center and Community Theatre. The Seasonal Job Fair will be held on February 9th at the Beaver creek Golf Club from 9-11:30 a.m. Do You Want to Build a Snowman? Contest was being held now through February 11th. Please submit photos to parks@beavercreekohio.gov between December 3rd – February 11th. Photos will be posted on the city's Facebook page February 15-22nd for voting.

CITIZEN COMMENTS

There being no comments, Citizen Comments was closed.

January 28, 2019

EXECUTIVE SESSION

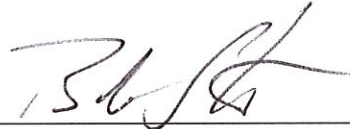
Council Member Upton MOVED to enter into Executive Session at 7:29 p.m. pursuant to Section 121.22 of the Ohio Revised Code, for the purpose of conference with city attorney concerning disputes involving the city that are subject to pending or imminent court action, seconded by Council Member Litteral. Motion PASSED by roll call vote of 5-0.

Council Member Vann MOVED to adjourn executive session at 7:12 p.m., seconded by Council Member Litteral. Motion was PASSED by roll call vote of 7-0

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


ADJOURNMENT

Council Member Litteral MOVED to adjourn the meeting at 7:13 p.m., seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.



Bob Stone, Mayor

ATTEST:



Dianne Miscisin
Clerk of Council
Cmin012819