

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

PROCLAMATIONS

- ◆ Creek Classic
- ◆ Scleroderma Awareness Month, Kelley Hill

CALL TO ORDER

Vice Mayor Garcia 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

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

ALSO IN ATTENDANCE: Kim Farrell, Recreation Superintendent; Bill Kucera, Financial Administrative Services Director; Pete Landrum, City Manager; Jeff McGrath, Planning & Development Director; Steve McHugh, Legal Counsel; Dianne Miscisin, Clerk of Council; Mike Thonnerieux, Public Administrative Services Director

PLEDGE

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

APPROVAL OF AGENDA

Council Member Upton MOVED to amend the agenda by removing the Executive Session, seconded by Council Member Vann. Motion PASSED by majority voice vote.

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

ORDINANCES, RESOLUTIONS AND PUDS

Ordinance 19-04 PACE (Property Assessed Clean Energy) Ordinance to Proceed (Third Reading) (Adopt as Emergency on Third Reading)
Clerk Miscisin read an Ordinance determining to proceed with the acquisition, construction and improvement of certain public improvements in the City of Beavercreek, Ohio, in cooperation with the Beavercreek Energy Special Improvement District and declaring an emergency.

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Mr. McHugh said the financing company and applicant requested this be tabled until the June 10th meeting. He said this would effect this Ordinance and Ordinance 19-05.

Council Member Vann asked why this was a benefit to the community. Mr. McHugh said this would not be a benefit to individuals. He explained this tends to be more commercial to remodel or build a new building that is more efficient. This financing would offset the cost of a more efficient building.

Council Member Curran MOVED to table Ordinance 19-04 to the June 10, 2019 Regular Meeting, seconded by Council Member Vann. Motion PASSED by majority voice vote.

Mayor Stone arrived at 6:16.

Ordinance 19-05 PACE (Property Assessed Clean Energy) Levying Assessments (Third Reading) (Adopt as Emergency on Third Reading)

Clerk Miscisin read an Ordinance levying special assessments for the purpose of acquiring, constructing, and improving certain public improvements in the City of Beavercreek, Ohio, in cooperation with the Beavercreek Energy Special Improvement District; authorizing and approving an energy project cooperative agreement by and among the City of Beavercreek, Ohio, the Beavercreek Energy Special Improvement District, Greene Innkeepers LLC, and PACE Equity LLC providing for the financing of those public improvements; authorizing and approving a special assessment agreement by and between the City of Beavercreek Ohio, the County Treasurer of Greene County, Ohio, PACE Equity, LLC, the Beavercreek Energy Special Improvement District, and PACE Equity LLC regarding those special assessments; and declaring an emergency.

Council Member Vann MOVED to table Ordinance 19-05 to the June 10, 2019 Regular Meeting, seconded by Council Member Curran. Motion PASSED by a majority voice vote.

Council Member Litteral MOVED to adjust the agenda by moving item VI. A. 1504 Falcons Food LLC DBA TGI Fridays Liquor Permit to the next item of business, seconded by Council Member Curran. Motion PASSED by majority voice vote.

LIQUOR PERMITS

TGI Friday

Chief Evers said the Ohio Division of Liquor Control sent notification of a request to transfer a D5 and D6 liquor permit from Ohio Valley Bistros Inc. DBA TGI

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Fridays, 2799 Centre Dr., Beavercreek, Ohio 45324 to 1504 Falcons Food LLC., DBA TGI Fridays, 2799 Centre Dr., Beavercreek, OH 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.

Council Member Litteral MOVED to accept without comment, seconded by Vice Mayor Garcia. Motion PASSED by a majority voice vote.

Chief Evers gave an update on the tornado. He said all of the personnel had been working various hours since the event. He said the efforts of last night were search and rescue and trying to get to areas that were blocked and people trapped. He said this was all being done in conjunction with the fire department. He said this was what they were trained to do. He said they were working to get the roadways opened. He said he saw the devastation from the air with the sheriff and could see the path of devastation. He said they were fortunate there was only minor injuries.

Ordinance 19-06 PUD 19-1, IH Credit Union Rezoning (Second Reading)

Clerk Miscisin read an Ordinance rezoning 1.595 acres from B-2 and A-1 further described as Book 5, Page 5, Parcels 123 and 124 on the property tax maps of Greene County, Ohio to C-PUD 19-1.

There being no public input, the public hearing was closed.

This Ordinance will move automatically to the Third Reading

Ordinance 19-07 Appropriate the Right-of-Way (Carlotta Oldham) for the Kemp Road Widening Project (Second Reading)

Clerk Miscisin read an Ordinance to appropriate certain real property interests owned by Carlotta Oldham, for the Kemp Road Widening Project, in the City of Beavercreek, Ohio.

There being no public input, the public hearing was closed.

This Ordinance will move automatically to the Third Reading

Ordinance 19-08 Charter Amendments (First Reading)

Clerk Miscisin read an Ordinance providing for the submission to the electorate amendments of the Charter of the City of Beavercreek, Ohio, and to place the same on the Ballot at the general election, November 5, 2019.

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Mr. McHugh reviewed the changes included in the Ordinance. These changes would affect sections 4.02, 5.03, 6.01, 6.03, and 9.02.

Council Member Litteral MOVED Ordinance 19-08 to the second and third readings, seconded by Vice Mayor Garcia. Motion PASSED by a majority voice vote.

Resolution 19-31 Authorize City Manager to Approve Purchasing, Travel and Petty Cash Policies and Amend Policies as Needed in Accordance with City Charter

Clerk Miscisin read a Resolution authorizing the City Manager to approve purchasing, travel and petty cash policies and authorizing the City Manager to amend these policies as needed in accordance with the City Charter's grant of authority to the City Manager

Mr. McHugh said he would address agenda items V. F. through V. L as they were all related. He said there was a question raised several weeks ago between the interplay of the Charter sections 10.10 and 4.10 and the Ordinance sections 31.01 and 31.17. He said they were amending to keep streamline with the Charter and also authorize the City Manager to change policy as circumstances determine. He said the last three resolution were to repeal the older resolutions that were no longer needed.

Council Member Litteral MOVED to approve Resolution 19-31, seconded by Council Member Curran. Motion PASSED by a majority voice vote.

Ordinance 19-09 Repealing Current Section 31.01 and adopting New Section 31.01 and Repealing Current Section 31.17 (First Reading)

Clerk Miscisin read an Ordinance repealing current Section 31.01 "Reimbursement of Council Members for Expenses: of the City of Beaver creek Code of Ordinances and adopting new Section 31.01 "Reimbursement of Council Members for Expenses" and repealing Section 31.17 "Expenses of Council" of the City of Beaver creek Code of Ordinances.

Council Member Upton MOVED Ordinance 19-09 to the second and third readings, seconded by Vice Mayor Garcia. Motion PASSED by a majority voice vote.

Ordinance 19-10 Repealing Current Section 35.17 and Section 35.18 and Adopting New Section 35.17 and Section 35.18 (First Reading)

Clerk Miscisin read an Ordinance repealing current Sections 35.17 and 35.18 of the City of Beaver creek Code of Ordinances and adopting new Sections 35.17 and

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35.18 of the city of Beavercreek Code of Ordinances in order to revise competitive bidding requirements.

Council Member Curran MOVED Ordinance 19-10 to the second and third readings, seconded by Vice Mayor Garcia. Motion PASSED by a majority voice vote.

Resolution 19-32 Repealing Resolution 07-19

Clerk Miscisin read a Resolution repealing Resolution 07-19 in order to allow the City Manager to exercise authority granted per the City Charter.

Council Member Curran MOVED to approve Resolution 19-32, seconded by Council Member Litteral. Motion PASSED by a majority voice vote.

Resolution 19-33 Repealing Resolution 07-20

Clerk Miscisin read a Resolution repealing Resolution 07-20 in order to allow the City Manager to exercise authority granted per the City Charter.

Council Member Litteral MOVED to approve Resolution 19-33, seconded by Vice Mayor Garcia. Motion PASSED by a majority voice vote.

Resolution 19-34 Repealing Resolution 12-48

Clerk Miscisin read a Resolution repealing Resolution 12-48 in order to allow the City Manager to exercise authority granted per the City Charter.

Vice Mayor Garcia MOVED to approve Resolution 19-34, seconded by Council Member Upton. Motion PASSED by a majority voice vote.

Resolution 19-35 Renewal of Beavercreek Soccer Association Agreement

Clerk Miscisin read a Resolution authorizing the City Manager to enter into a Lease Agreement with the Beavercreek Soccer Association.

Ms. Farrell explained this was an extended lease agreement which has been in effect since 1994. She said this was for the Ankeney Soccer Complex which the city owns 25 acres of. She said the Beavercreek Soccer Association operates and maintains the entire complex and the city uses a couple of the fields for adult leagues.

Council Member Upton commented that the agreement was for \$100.

Council Member Vann MOVED to approve Resolution 19-35, seconded by Vice Mayor Garcia. Motion PASSED by a majority voice vote.

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Resolution 19-36 Restoration of Pre-Recession Level Government Funds by Ohio General Assembly

Clerk Miscisin read a Resolution strongly urging the Ohio Governor and members of the Ohio General Assembly to restore the local government fund to pre-recession levels.

Vice Mayor Garcia MOVED to approve Resolution 19-326 seconded by Council Member Upton. Motion PASSED by a majority voice vote.

DECISION ITEMS

Board Appointments – Bikeway and Non-Motorized Transportation Committee

Vice Mayor Garcia MOVED to open nominations for Bikeway and Non-Motorized Transportation Committee, seconded by Council Member Curran. Motion PASSED by majority voice vote.

Council Member Upton nominated Kelly Faas.

Vice Mayor Garcia MOVED to close nominations for Bikeway and Non-Motorized Transportation Committee, seconded by Council Member Vann. Motion PASSED by majority voice vote.

Council Member Upton MOVED to appoint Kelly Faas, seconded by Council Member Vann. Motion PASSED by majority voice vote.

COUNCIL TIME

Council Member Litteral said there would be a DP&L ice station at the Lofino Senior Center open until 8:00 p.m. tonight. She asked that if you do not live in any of the areas effected please avoid them. There is still a lot of debris. She promoted the specialty camps for this summer. Please visit the Parks and Recreation website page for more information.

Council Member Rushing thanked the first responders for their dedication and actions since the tornado.

Council Member Vann said this has been a tragedy and thanked the staff and fire responders for everything being done. She discussed the different ways to receive emergency notifications. She thanked the staff for the great Memorial Day event and the Rotary for the flags at Be Hope Church.

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Council Member Upton echoed everyone's comments regarding the great job the first responders and staff were doing. He commented on the flags saying there were volunteers picking up the flags and repositioning them after the tornado.

Council Member Curran said it was an excellent event on Memorial Day. He complimented the first responders for a fantastic job they have been doing with meeting the challenges being faced with this devastation. He reviewed the upcoming Lifelong Learning classes at the senior center.

Vice Mayor Garcia echoed the comments for the staff and first responders. She congratulated the Beaver Creek Academic team for their National win which is a first for both Beaver Creek and the State of Ohio.

MAYOR'S REPORT

Mayor Stone said the Memorial Day was a great event and thanked staff for all their work. The Emergency Operation Center (EOC) was set up at Station 1 and the staging area was at the Spicer Heights shopping center. He said the governor and lieutenant governor toured today. He said there would be some sort of assistance at some point. All of our neighbors have reached out to offer their condolences. He said there would be more details tomorrow once certain things have been overcome. He said the state of emergency was necessary for the mandatory evacuation of the Gardenview plat because of gas leaks.

CITY MANAGERS REPORT

Mr. Landrum thanked staff and the township. He said everyone has been working very well together. He said the Declaration of Emergency was declared at 2:10 a.m. for the mandatory evacuations. There were two press releases that were just released. He said one regarded the mandatory evacuation being lifted because the gas was now turned off. It was not recommended to return because of safety but residents were now allowed to return to collect personal items. He said the public service department worked to clear roads to allow for emergency and utility vehicles to enter.

CITIZEN COMMENTS

There being no comments, Citizen Comments was closed.

ADJOURNMENT

Council Member Curran MOVED to adjourn the meeting at 7:06 p.m., seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

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Bob Stone, Mayor

ATTEST:



Dianne Miscisin
Dianne Miscisin
Clerk of Council
Cmin052819