

BELLBROOK CITY COUNCIL AGENDA
November 25, 2019



City of Bellbrook
15 E. Franklin Street
Bellbrook, Ohio 45305

T (937) 848-4666
F (937) 848-5190

www.cityofbellbrook.org

6:00 pm-Executive Session to discuss Personnel Matters (to consider the employment and compensation of a public employee)

7:00 pm-Regular Meeting

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Formal Approval of the Work Session and Regular Meeting Minutes of November 12, 2019
5. Mayor's Announcements/Special Guests
 Oath of Police Officer Stephanie Bennington
6. Public Hearing of Ordinances
 - **Ordinance 2019-20 An Ordinance Amending Chapter 1060 of the Bellbrook Municipal Code to Increase Rates Charged for Refuse Collection (Greenwood)**
7. Introduction of Ordinances
 - **Ordinance 2019-21 An Ordinance Approving the Appropriations of the City of Bellbrook for the Fiscal Year Ending December 31, 2020 (Edwards)**
 - **Ordinance 2019-22 An Ordinance to Adjust the City of Bellbrook Appropriations for 2019 (McGill)**
8. Resolutions
9. City Manager Report
10. Committee Reports
 - A. Service
 - B. Safety
 - C. Finance/Audit
 - D. Community Affairs
11. Old Business
12. New Business
13. Open Discussion
14. Adjourn

RECORD OF PROCEEDINGS
Minutes of Bellbrook City Council Meeting
November 12, 2019

PRESENT: Nick Edwards
Forrest Greenwood
Elaine Middlestetter
Dona Seger-Lawson
David Van Veldhuizen
Darryl McGill
Mayor Mike Schweller

This is a summary of the City Council work session and regular meeting held on Tuesday, November 12, 2019. Mayor Schweller called the meeting to order at 6:00 pm.

City Manager Melissa Dodd prepared the 2020 budget that included an estimate for the remainder of 2019.

Mrs. Dodd showed council the budget worksheet for 2020 including the budgets for the Police and Fire Departments.

Mrs. Dodd began with the Police Department with a budget that is \$90,000 more than 2019. There has been an increase in property taxes. Their contract will be coming up. Mayor Schweller asked about expenses through the end of the year. Mrs. Dodd answered that that is due to wages, dispatch and holiday pay which is all paid out at the end of the year. The General Fund provides the cushion for this fund. Mr. Edwards asked if the city will need a Police Department tax levied in the future. He believes such a levy would pass. Mrs. Dodd added that there are no major purchases planned for 2020. Chief Doherty added that they are able to push back the need for two new cars until 2021 and 2023.

Mrs. Dodd reviewed the Fire Department budget explaining the Fire levy that passed greatly helped the department. The city is going to compare the logistics of having our own fuel tanks versus using commercial fuel stations. The city will also be exploring the idea of getting rid of Fire Station 1 and building onto Fire Station 2 in the future. There could be many benefits to doing so.

The City Manager explained the budget line items from the Capital Fund. The city is going to switch to a different finance and utilities system. The new program provides better controls and security. It would also make the auditing process smoother.

The Water Fund includes a new GIS service that will help out our Service Department.

Mr. Edwards asked where the expenses for Little Sugarcreek Road were applied. Mrs. Dodd answered that the \$50,000 came from a combination of the Streets Fund and the Permissive Tax.

At 7:00 PM Mayor Schweller called the regular session of the City Council to order.

ROLL CALL

Mr. Edwards, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Dr. Van Veldhuizen, yes; Mr. McGill, yes; Mayor Schweller, yes.

FORMAL APPROVAL OF MINUTES

Mr. McGill pointed out the omission of his name as present at the previous meeting. After polling members of City Council, as there were no other corrections or additions to the budget work session or

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regular meeting minutes of October 28, 2019 Mayor Schweller declared the minutes approved with the one correction.

MAYOR'S ANNOUNCEMENTS/SPECIAL GUEST

Mayor Schweller thanked all veterans for their service. He also thanked the City's Service Department for putting up the flags on the light poles and the Optimist Club for their avenue of flags program. He also expressed his condolences to the family, coworkers and friends of Dayton Police Detective Del Rio. He thanked the Police Chief and Officers who represented Bellbrook at the funeral.

Mayor Schweller presented service recognition awards to Bellbrook employees who reached milestones.

Taylor Click – Fire – 5 years
Josh Warren – Police – 5 years
Doug Doherty – Police – 5 years
Jim Neidhard – Fire – 5 years
Jon Nickerson - Fire – 10 years
Ronnie Hearrell - Fire -20 years
Paul Stroud - Service – 20 years
Jim Burns - Police – 25 years
Bob Loudermilk - Police – 35 years

This year service awards include gift certificates to local businesses.

Mayor Schweller welcomed the Bellbrook Lego League Team. Coaches Heather Wannarka and Adam Panstingel introduced the kids on the team: Allyssa Browning, Tyler Gondek, Tyler Feix, Tyler Panstingel, and Tanner Simpson. He thanked the Mayor for meeting with them a few months ago. The members of the team explained the competition and the work they have done to prepare. They practice two nights a week. The 2019 theme is City Scapers where they had to pick a local issue. They chose the Little Sugarcreek Road slippage as their project. The team members each spoke about a different component of the work that they have done. The competition will be held on Saturday November 16 at the University of Dayton.

PUBLIC HEARING OF ORDINANCES - none

INTRODUCTION OF ORDINANCES

- **Ordinance 2019-20 An Ordinance Amending Chapter 1060 of the Bellbrook Municipal Code to Increase Rates Charged for Refuse Collection.**

Mr. Greenwood read the ordinance and added that the amount charged will still be a bargain for the service.

Mr. Greenwood made a motion to introduce **Ordinance 2019-20**. Mrs. Middlestetter seconded the motion. The Clerk called the roll. Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mr. Edwards, yes; Mrs. Seger-Lawson, yes; Dr. Van Veldhuizen, yes; Mr. McGill, yes; Mayor Schweller, yes. The motion carried 7-0.

RESOLUTIONS - none

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CITY MANAGER REPORT

The City Manager announced that once again Bellbrook had earned the Auditor of State Award for 2018. The first Brook Mills 10K appreciation plaque in the hallway was presented to the city by Brandon Hough the race organizer.

The city's website is being revamped to make navigation for the city's public boards and commissions easier and keep information up to date.

COMMITTEE REPORTS

Service: none

Safety: none

Finance/Audit: Mr. Edwards explained that the second work session had taken place earlier in the evening. The 2020 budget ordinance will be presented at the next Council meeting and the public is invited to review it.

Community Affairs: Mrs. Middlestetter invited the public to the Bellbrook Community Church on Sunday, November 24 at 4:00 PM for the community thanksgiving service.

OLD BUSINESS

- Request to Remove the Highview Terrace Walking Path

The City Manager began with an overview of the request. She met with the developer Rick Clemens and got a better understanding of the history of the project. They agreed that this is a neighborhood issue. The HOA and the developer need to decide what they want to do. Mrs. Dodd asked Council if they want the city to do any more research into this path.

Mr. Edwards agreed that a decision needs to be made by the HOA and the developer. There is an existing approved plan. If the developer wants to make a change to the plan, he can choose to bring a revised plan to the Planning Board.

Mrs. Seger-Lawson agreed and added that the topography has changed as much as some people have stated, the developer should look at it.

Mr. McGill asked about the old easement that runs along Little Sugarcreek. Mr. Greenwood agreed and stated that it is a nice path.

The rest of the Council members echoed the same thoughts.

NEW BUSINESS - none

OPEN DISCUSSION

The Council Members congratulated the employees that reached service milestones.

The Council also wished the Lego Team good luck at their upcoming competition.

Mr. Greenwood recounted going to a small Veteran's Day ceremony at the memorial at Petrikis Park. There is a desire to organize a bigger event for next year.

James Cyphers, Highview Terrace requestor, explained that the attorney they hired had told them the same basic thing about needing the HOA and the developer make a decision about the walking path. He asked for the path to be removed from the city's Comprehensive Plan since the Highview Terrace path

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was never given to the City by the developer. The city has no ownership of the path. The Mayor responded that their lawyer is welcome to contact the City Manager.

Katherine Cyphers, Highview Terrace requestor, asked how they go about removing the walking path from the Comprehensive Plan. She said they paid a fee to be seen by the Planning Board when it turns out that actually wasn't necessary. Mrs. Dodd answered that the Council would need to vote for an ordinance to make a change to the plan. Mrs. Dodd also added that the parkland along the creek has not yet been deeded to the city.

David Buccalo, 126 Lower Hillside Drive, explained that he had several points he wanted to make. His first point was that he believes that the residents of the old village district accepted the zoning overlay restrictions in exchange for local control by means of the Old Village Review Board. He wants all of the old village to be removed from the oversight of the Property Review Commission and returned to the Old Village Review Board. He believes the promise to the residents was that outsiders would not tell them how to maintain their properties some of which are pre-civil war buildings. He opined that the zoning regulations have a disproportional impact on the businesses that are small and the people who are mostly retirees. Mr. Buccalo read something recounting hearsay about Mr. Dart being referred to as a "deadbeat" by someone in the city. He said that zoning should be fact-based and not affected by public opinion. His fourth point was that the city administration is using a loophole in the sign ordinance to be able to put up promotional signs without having to go through the Village Review Board for approval. His next request was to know about a supposed policy report of an incident at 7 W Franklin Street over the weekend. Lastly, he thinks the Council should do a performance review of the City Manager.

Greg Dart, 7 W Franklin Street, said that he had tried to come to a previous meeting, but the doors had been locked. He added that he did not bring his attorney to the council meeting to try to be positive. He wondered if he should stop decorating for Christmas or stop helping local groups like the Optimists and Lions. He said he feels like he has been discriminated against. He recounted hearing that he didn't communicate with city officials but said that was untrue. He recalls reaching out to the City Manager and the Zoning Officer about his property. He has a long-time architect and historical people assisting him with his plans for his historic property. He recounts that having to have and pay a lawyer is a burden. He asked the Council to cancel the November 19 meeting of the Property Review Commission. He would welcome the chance to come back and talk with anyone he needs to when he has more time available.

ADJOURN

Being no further business to come before the Bellbrook City Council, Mayor Schweller declared the regular meeting adjourned at 7:57 PM.

Michael W. Schweller, Mayor

Pamela Timmons, Clerk of Council

RECORD OF ORDINANCES

Ordinance No. 2019-20

November 25, 2019

CITY OF BELLBROOK, OHIO

ORDINANCE NO. 2019-20

AN ORDINANCE AMENDING CHAPTER 1060 OF THE BELLBROOK MUNICIPAL CODE TO INCREASE RATES CHARGED FOR REFUSE COLLECTION.

WHEREAS, the City of Bellbrook currently charges residents \$14.00 per month for normal refuse collection; and

WHEREAS, the City of Bellbrook has completed a review of current and future expenditures related to the Waste Collection Fund; and

WHEREAS, the City of Bellbrook Waste Collection Fund has been operating at a deficit and decreasing reserves; and

WHEREAS, the City of Bellbrook wishes to bring revenues in line with expenditures and must increase rates in order to do so; and

WHEREAS, Chapter 1060 of the Bellbrook Municipal Code needs to be amended in order to increase rates by \$1.50 per customer to \$15.50 per month.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY ORDAINS:

Section 1. That the following amendment to Chapter 1060 of the Bellbrook Municipal Code be approved with deletions shown by brackets and strikethrough and additions shown by italics and underlined:

§ 1060.05 is hereby amended as follows:

Effective ~~January 1, 2019~~ January 1, 2020, there is established a monthly charge of ~~fourteen dollars (\$14.00)~~ fifteen dollars and fifty cents (\$15.50) for normal refuse collection within the City. All utility bill payments shall be applied first to refuse charges and any remaining amount shall be applied to water charges. Said refuse charge shall be paid by the occupant of each occupied single-family residence and by each occupant of a multifamily residence not covered by a commercial contract pursuant to Section 1060.04(a). Each operator of a business which generates a normal amount of refuse shall pay the normal collection charge, unless other arrangements are made pursuant to Section 1060.04(a). Each operator of a business which generates refuse in excess of the normal amount shall make arrangements for commercial collection in accordance with the provisions of these Codified Ordinances. Any residential user of the refuse collection service who generates refuse in excess of the normal amount shall pay a surcharge equal to the actual cost of collecting such excess. For the purposes of this section a

RECORD OF ORDINANCES

Ordinance No. 2019-20

November 25, 2019

normal amount of refuse shall mean a weekly accumulation which is capable of being contained in ten or fewer thirty-gallon containers, exclusive of yard waste such as grass, leaves or brush.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period provided by law.

PASSED this ____ day of _____, 2019.

Michael W. Schweller, Mayor

ATTEST:

Pamela Timmons, Clerk of Council

APPROVED AS TO FORM:

Stephen M. McHugh, Municipal Attorney

RECORD OF ORDINANCES

Ordinance No. 2019-21

December 9, 2019

City of Bellbrook

Ordinance No. 2019-21

An Ordinance Approving the Appropriations of the City of Bellbrook for the Fiscal Year Ending December 31, 2020.

WHEREAS, the City Council has reviewed the proposed 2020 annual budget; and

WHEREAS, the City of Bellbrook desires to adopt the 2020 annual budget and authorize the related appropriations.

Now, Therefore, the City of Bellbrook Hereby Ordains:

Section 1. That to provide for the current expenses and other expenditures of the City of Bellbrook, during the fiscal year ending December 31, 2020, the following sums be and they are hereby set aside to be appropriated, as follows:

Fund	Personal Services	Other Expenses	Transfers	2020 Appropriations
General Fund:				
-Legislative	\$58,181	\$8,620	\$0	\$66,801
-Administrative	\$139,386	\$199,133	\$425,000	\$763,519
-Library	\$0	\$2,000	\$0	\$2,000
-Museum	\$11,646	\$7,175	\$0	\$18,821
-Community Environment	\$60,715	\$6,722	\$0	\$67,437
Total General Fund	\$ 269,928	\$ 223,650	\$425,000	\$ 918,578
Police Fund	\$1,447,826	\$319,211	\$0	\$1,767,037
Police Pension Fund	\$55,000	\$340	\$0	\$55,340
Fire Fund	\$1,126,553	\$258,603	\$0	\$1,385,156
Street Fund	\$276,368	\$176,125	\$0	\$452,493
State Highway Fund	\$0	\$35,000	\$0	\$35,000
Motor Vehicle Fund	\$0	\$73,100	\$0	\$73,100
Waste Fund	\$27,044	\$459,400	\$0	\$486,444
Water Fund	\$747,340	\$744,587	\$0	\$1,491,927
Capital Improvement Fund	\$0	\$468,675	\$0	\$468,675
Fuel System Fund	\$0	\$1,200	\$0	\$1,200
Performance Bond Fund	\$0	\$12,000	\$0	\$12,000
Grand Total - All Funds	<u>\$ 3,950,059</u>	<u>\$2,771,891</u>	<u>\$425,000</u>	<u>\$ 7,146,950</u>

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Ordinance No. 2019-21

December 9, 2019

Section 2. That the Finance Director is hereby authorized to make payments from any of the foregoing appropriations upon receiving proper documentation approved by the officers authorized by law to approve the same.

Section 3. This ordinance shall take effect and be in force from and after the earliest period provided by law.

PASSED this ____ day of _____, 2019.

Michael W. Schweller, Mayor

Pamela Timmons, Clerk of Council

APPROVED AS TO FORM:
Stephen M. McHugh, Municipal Attorney

RECORD OF ORDINANCES

Ordinance No. 2019-22

December 9, 2019

City of Bellbrook

Ordinance No. 2019-22

An Ordinance Amending Ordinance 2019-14 to Adjust the City of Bellbrook Appropriations for 2019.

WHEREAS, the City of Bellbrook adopted the 2019 annual budget based on the best information available at the time; and

WHEREAS, additional or reduced costs have or will occur in some line items which requires the amendment of various appropriation levels.

Now, Therefore, the City of Bellbrook Hereby Ordains:

Section 1. That the 2019 appropriation levels in several of the funds listed below be amended as follows:

Fund	2019 Appropriations	Personnel Services Revisions	Other Expenses Revisions	Total Revisions	Amended 2019 Appropriations
General Fund:					
-Legislative	\$ 64,400	\$ 1,000	\$ -	\$ 1,000	\$ 65,400
-Administrative	\$ 684,355	\$ -	\$ 5,500	\$ 5,500	\$ 689,855
-Library	\$ 2,000	\$ -	\$ -	\$ -	\$ 2,000
-Museum	\$ 19,780	\$ 1,000	\$ -	\$ 1,000	\$ 20,780
-Community Environment	\$ 74,497	\$ -	\$ -	\$ -	\$ 74,497
Total General Fund	\$ 845,032	\$ 2,000	\$ 5,500	\$ 7,500	\$ 852,532
Police Fund	\$ 1,764,085	\$ -	\$ 22,500	\$ 22,500	\$ 1,786,585
Police Pension Fund	\$ 48,340	\$ -	\$ -	\$ -	\$ 48,340
Fire Fund	\$ 1,277,084	\$ 20,000	\$ 17,000	\$ 37,000	\$ 1,314,084
Street Fund	\$ 388,255	\$ 3,000	\$ 12,000	\$ 15,000	\$ 403,255
State Highway Fund	\$ 23,200	\$ -	\$ -	\$ -	\$ 23,200
Motor Vehicle Fund	\$ 32,100	\$ -	\$ -	\$ -	\$ 32,100
Fuel System Fund	\$ 4,200	\$ -	\$ -	\$ -	\$ 4,200
Waste Fund	\$ 472,053	\$ -	\$ -	\$ -	\$ 472,053
Water Fund	\$ 1,406,685	\$ 20,000	\$ 5,000	\$ 25,000	\$ 1,431,685
Capital Impr. Fund	\$ 474,280	\$ -	\$ (70,000)	\$ (70,000)	\$ 404,280
Performance Bond Fund	\$ -	\$ -	\$ 14,000	\$ 14,000	\$ 14,000
Grand Total - All Funds	\$ 6,735,314	\$ 45,000	\$ 6,000	\$ 51,000	\$ 6,786,314

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Ordinance No. 2019-22

December 9, 2019

Section 2. This ordinance shall take effect and be in force from and after the earliest period provided by law.

PASSED this ____ day of _____, 2019.

Michael W. Schweller, Mayor

Pamela Timmons, Clerk of Council

APPROVED AS TO FORM:
Stephen M. McHugh, Municipal Attorney

SUPPLEMENTAL APPROPRIATION WORKSHEET

SUPPLEMENT TO ORDINANCE 2019-22

GENERAL FUND	AMOUNT	PROJECT
DEPARTMENT	AMOUNT	PROJECT
LEGISLATIVE	\$ 1,000	Additional benefits if needed
ADMINISTRATION	\$ 5,500	To cover dues and memberships and settlement fees
MUSEUM	\$ 1,000	Additional wages if needed
TOTAL GENERAL FUND	\$ 7,500	
SPECIAL REVENUE FUNDS		
STREET FUND	\$ 15,000	\$3k payout, \$5k road supplies, \$7k crosswalk @ Landings
POLICE	\$ 22,500	\$9k legal fees, \$7k body cams, \$6500 settlement fees
FIRE	\$ 37,000	\$20k PT wages, \$10k dispatch center, \$7k settlement fees
CAPITAL IMPROVEMENTS	\$ (70,000)	\$25k decrease in Service, \$10k in Police, \$35k in Fire
TOTAL SPECIAL REVENUE FUNDS	\$ 4,500	
ENTERPRISE FUNDS		
WATER	\$ 25,000	\$10k in wages, \$3k in payout, \$7k in benefits, \$3k in tuition reimbursement
TOTAL ENTERPRISE FUNDS	\$ 25,000	
AGENCY FUNDS		
PERFORMANCE BOND	\$ 14,000	Engineering fees for developments (in and out)
	\$ 14,000	
Total Supplemental Appropriations	\$ 51,000	

To: Mayor & City Council
From: Melissa Dodd, City Manager
Date: November 22, 2019
Subject: November 25th City Council Meeting

- **Introduction of Ordinances**

- **2019-21 Annual Appropriations for 2020**

After two work sessions with City Council and Staff, the 2020 budget was reviewed and finalized for presentation in the ordinance format. The budget will be fully presented during the public hearing at the next meeting.

- **2019-22 Supplemental Appropriations for 2019**

This is the final adjustment of any line items that may be projected to need adjustment before year end. The actual expenditures overall will be lower than the overall budget but adjustments to certain lines are required to ensure we stay within budgeted amounts.

- **Public Hearing of Ordinances**

- **2019-20 An Ordinance Amending Waste Collection Fees** – As a result of the budget discussion, the waste collection fee will increase from \$14 to \$15.50 per month beginning in January. This is to balance the revenue coming in with the expenses being paid directly out to Rumpke for the service.

- **Updates**

- **FEMA Floodplain meeting** – Councilmembers Greenwood and Middlestetter attended a meeting regarding the **updated floodplain maps for FEMA**. We were presented with an updated map and timeline on how these will be adopted. The new maps are able to be reviewed and corrections or appeals made until winter of 2020. Staff plans to compare the maps for changes and will notify citizens affected where the floodplain expands or contracts. Changes will not **go into effect until the spring of 2021**.
- **Planning and Zoning Workshop** – The annual Planning and Zoning workshop at Sinclair Community College will be held on December 6. The deadline to register is November 27. Please let myself or Pam know if you plan to attend by the 26th so that we can get everyone registered.

- **Franklin Street Bridge Project Update** – I had a project status call with MVRPC and ODOT on the 20th. I was informed that there is funding for us to move our project up one year and into FY 2023 which begins July 2022. We are on track with the preliminary work on the project to handle it happening sooner which was the goal. We have put that formal request in and are awaiting a response and updated schedule.
- **Council Orientation** – On December 2nd Pam and I will be conducting the first ever new Councilmember Orientation. This will be a two hour session which will Pam will take the first hour to discuss sunshine laws, open meetings and more. I will be discussing the mechanics of municipal finance and budgets. We really hope this will be beneficial to starting new Councilmembers off on the right foot.
- **Upcoming Council Meeting Items** – We will have the public hearing of the two ordinances that will be presented at this meeting. I do not foresee any action items by Council needed for the second meeting in December which would fall the day before Christmas Eve. If Council wishes to cancel this meeting, the agenda would allow for that.