

# RECORD OF PROCEEDINGS

Minutes of Bellbrook City Council Meeting and Work Session  
October 28, 2019

**PRESENT:** Nick Edwards  
Forrest Greenwood  
Elaine Middlestetter – arrived at 7:05  
Dona Seger-Lawson  
David Van Veldhuizen, PhD  
Mayor Mike Schweller

This is a summary of the City Council work session and regular meeting held on Monday, October 28, 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. She said that there will be another supplemental appropriation needed before the end of the year. The city will still be under budget.

Mrs. Dodd showed council the budget worksheet for 2020. She estimates that expenses will end up \$485,000 more than 2019.

## **ROLL CALL**

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

Mr. McGill made a motion to excuse Mrs. Middlestetter from the Council meeting as she was stuck in traffic. This was seconded by Mr. Edwards, yes; Mr. Greenwood, yes; Mrs. Seger-Lawson, yes; Mayor Schweller, yes. The motion passed 6-0.

Mrs. Middlestetter arrived at 7:05 pm.

## **PLEDGE OF ALLEGIANCE**

## **FORMAL APPROVAL OF MINUTES**

After polling members of City Council, as there were no corrections or additions to the work session and regular meeting minutes of October 14, 2019 Mayor Schweller declared the minutes approved as written.

## **MAYOR'S ANNOUNCEMENTS/SPECIAL GUEST**

Beautification Awards were presented by Rob Johnson. Robert and Michele Johnson are the Chairs of the Beautification Committee. They took over for Bronne Wilson. He thanked all the members of the committee including: Sophia Briley, Diane Harris, Bonnie Howe, Betty Ograd, and Pat Robinson. Winners received a certificate and an engraved rock for their yards.

Area A

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4269 Clearview Court - Michael & Joni Dingledine

2223 S Lakeman - Robin & William Logsdon

## Area B

4035 Eckworth - Alex & Diana Fabrick

4098 Maxwell - Dale & Bronne Wilson

## Area C

4216 Beryl Drive - James & Patricia Brady

1665 Cedar Court - Dale & Susan Steele

## Area D

3588 Big Tree Road - Hannah & Matthew Couch and Doug & Annie Smith

143 Upper Hillside - Roger & Sharon Dohner

## Area E

1905 Little Sugarcreek - Thomas and Vicki Craycraft

1828 Von Hovel Court - Vernon & Kristen Oakley

The Mayor swore in Timothy Tuttle to the Planning Board.

## **PUBLIC HEARING OF ORDINANCES**

Mr. Edwards read **Ordinance 2019-19 An Ordinance Repealing Ordinance 2019-14 and Adopting new Ordinance 2019-19 to Adjust the City of Bellbrook Appropriations for 2019**. He explained that this is just revising the starting and ending amounts that were wrong in Ordinance 2019-14.

City Manager Melissa Dodd explained that this was due to a clerical error. The revisions themselves stayed the same.

Mr. Edwards made a motion to Introduce **Ordinance 2019-19 An Ordinance Repealing Ordinance 2019-14 and Adopting new Ordinance 2019-19 to Adjust the City of Bellbrook Appropriations for 2019**. Mrs. Seger-Lawson seconded the motion. The Clerk called the roll. Mr. Edwards, yes; Mrs. Seger-Lawson, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Dr. Van Veldhuizen, yes; Mr. McGill, yes; Mayor Schweller, yes. The motion passed 7-0.

## **INTRODUCTION OF ORDINANCES** - none

## **RESOLUTIONS** - none

## **CITY MANAGER'S REPORT**

City Manager Melissa Dodd reported that a first meeting took place with our Service Director and LJB Engineering about the design on the Franklin Street Bridge project. The project is on track to be ready if MVRPC funding becomes available. The final design will be ready in 2020.

Mrs. Dodd updated Council on the Small Business Revolution television show. Anyone who nominated Bellbrook to be on an upcoming episode will receive an email about the next step.

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The Farmers Market is done for the year. The final Saturday was canceled due to rain. It was a very successful first year. One of the vendors has stepped up to run it next year.

The Date for the Brook Mills 10 K and Be Well Bellbrook has been set for August 22, 2020. The Lion's Club festival will take place the next weekend so there is no conflict there.

Mrs. Dodd announced that she was coordinating an event called Bellbrook Open for Business in the spring. This will be an event to highlight available business properties.

## **COMMITTEE REPORTS**

**Service:** none

**Safety:** Mr. Greenwood reported on the Plug the Gap initiative from Dave Yost the Ohio Attorney General. This is in response to the shooting incident in Dayton and other cities around the country. The goal is to have schools and local Police Departments team up ensure the safety of our school children. More information is available at the Attorney General's website.

**Finance/Audit:** Mr. Edwards said that the first of three work sessions took place earlier to discuss the 2020 budget. Council looks at every item line to make sure that the tax money is well spent. The budget will be voted on and put into place by the end of the year.

**Community Affairs:** Mrs. Middlestetter reminded the public that Beggar's Night would be held on Thursday, October 31 from 6:00 to 8:00 PM.

## **OLD BUSINESS**

Greene County Master Trail Plan Support Request

Mrs. Dodd explained that Greene County Regional Planning and Greene County Parks and Trails are creating a trails masterplan. They are asking all of the county's political subdivisions to contribute to the cost.

Mrs. Middlestetter made a motion to commit \$1,250 for the creation of the Countywide Trails Masterplan. Mr. McGill seconded the motion. The Clerk called the roll. Mrs. Middlestetter, yes; Mr. McGill, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mrs. Seger-Lawson, yes; Dr. Van Veldhuizen, yes; Mayor Schweller, yes. The motion carried 7-0.

## **NEW BUSINESS**

Request to remove the Highview Terrace Walking Path

City Manager Dodd summarized the staff report for Council. The walking path follows along the edge of Lot 50 of Highview Terrace. The main points Mrs. Dodd emphasized are that the path is part of approved final recorded development plan. The path is part of a 50-foot-wide utility easement. According to the plan, the maintenance and liability for this path is responsibility of the Homeowner's Association. There is also an easement from 1975 that follows along the Little Sugar Creek. Although part of the area in question is in the flood plain, a walking path is not considered an issue. The request

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was heard by the Planning Board who spent two meetings discussing it and went to walk the site. No revised plan has been submitted by the developer which is the usual way a request would come to Council. The Planning Board voted 3-0 to deny the request.

This information was sent to Council ahead of the rest of the meeting's agenda packet to allow Council more time to review the information.

The Mayor asked the property owners if they would like to speak.

James Cyphers, the property owner asked who Mr. Schieman is. Mrs. Dodd explained that he is a local expert on the watershed and flood plain issues. Mr. Cyphers added that when the Planning Board came to the property, they only looked at the path through Highview Terrace not the older path along the creek. He and his wife are very concerned about the risk of having this path on their property. The path goes across a drainage basin that has been having severe erosion problems. He claims that chips and dust is the only thing that can be placed on that easement, not pavement. The county had to add a two-foot extension on the drainpipe due to all of the erosion. Mr. Cyphers opined that the city wants the path no matter what and that non-residents are claiming to want the path.

Mayor Schweller stated that this situation is one Council has not dealt with before. Ideally, he said he would like for the residents to work with the developer to find a solution. The Mayor walked the path with Mr. Cyphers and asked City Staff to take another look at the grade and topography. He added that he would be surprised if the City's Engineer approved a path with such a steep grade and opined that maybe that all changed when the plans were changed. He requested that both the City and the developer's engineers take another look at it.

Mrs. Middlestetter agrees that the topography has been changed.

Mrs. Seger-Lawson added some path is needed wherever it works best. And if there isn't a designated path, people will take the shortest or easiest route which is probably right through the Cypher's yard.

Mr. Edwards asked if a soft surface is the best idea. Our city has plenty of steep walking areas. The Council needs all of the facts from an engineer so that an appropriate decision can be made.

Mr. Greenwood agreed with all that was said. He asked again about the liability. Mrs. Middlestetter answered that the HOA is liable. Mr. Edwards added that there are similar situations in other developments.

Mr. Cyphers said that when they bought the property Nate told them there would be a walking path for the Highview residents. He recounted that they have gotten a lot of people walking through their yard and up by their house. They had not thought this would be a path used by everyone in the city. The path is included in the Comprehensive Plan as a multi-use path.

Bill Dahling, 1839 Sugar Maple Place, asked if the city has an easement for the path? Council answered that the HOA has the walking path easement. Mr. Dahling is confused if it has to be a sidewalk or a path and as a multi-use path it should be in conjunction with the city. He opined that this is a quasi-public path and should be a partnership between the development and the city. The plans are for a path, not a sidewalk. He referred to the Sidewalk Ordinance 2019-17 that would put further requirements on the path.

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Tim Tuttle, 1791 Sugar Maple Place, stated that they moved into Highview Terrace expecting a path to access downtown. He agrees that the grade has changed in the last two years after the plan changed.

Katherine Cyphers, property owner, added that part of the 50-foot easement is supposed to be a landscape buffer.

Sandy Dahling, 1839 Sugar Maple Place, is the designated HOA treasurer. Since the development is not yet complete, the HOA is not fully formed and consists of the developer and the treasurer. Mr. Clemens is in charge of everything at this point. The dues at this time go for maintaining the entrance, landscaping, and common areas. Until the developer finishes and turns over the HOA, it doesn't own anything. Originally there were 12 property owners. Now there are 34 property owners, many of whom do not know the history and requirements for the path. She recalled walking along where the path originally should have gone. But it has all been changed so much, she can no longer walk it.

Louis Schazberg, 4082 Ridgetop Drive, was on the Planning Board when the development was originally designed. There was always talk of walking paths and green space which is a requirement for developments. It was to be the developer's responsibility to put in the path.

Mrs. Seger-Lawson recalled the same discussions and added that in lieu taxes Mr. Clemens was going to donate the green space for a walking path.

Mr. Edwards opined that if the elevation has significantly changed, it needs to be corrected so that the path can go in.

Dr. Van Veldhuizen was also previously on the Planning Board and remembers the requirement for a path. He said the developer needs to speak to this. These plans predate the current Comprehensive Plan.

James Cyphers, watched as the construction crew was moving around the dirt in that phase of the developer. He has also had to do some of his own regrading of the soil.

Mr. Edwards would like to know the liability issue and who is responsible. Green Meadow Ranch has a path that is owned by the HOA.

Mrs. Middlestetter added that any sidewalk on your personal property is a public easement, but the property owner is liable and responsible for it.

Katherine Cyphers, added that at the May 9, 2016 Council discussed the surface of the path. It was determined that it should be chips and dust due to runoff and flood plain issues. March 12, 2018 the City Manager said it couldn't be paved due to the flood plain.

Dale Wilson, 4098 Maxwell Drive, recounted that as the previous Service Director he had walked this area many times. At the time he and the City Manager Mark Schlagheck followed what is the red marked path on the map provided tonight. Their biggest concern was how to cross the creek to Magee Park. He thought the Service Department would maintain that path. The City did require the developer to put a water line in there to connect to the sewer to create a loop in the system. Mrs. Middlestetter agreed and added that the developer couldn't deed the green space to the city until the development was done.

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## **OPEN DISCUSSION**

David Buccalo, 126 Lower Hillside Drive, spoke about the Dart Building. The property maintenance case is before the BZA/PRC at this time. He added that Mr. Dart was not in attendance. He claims that the fines for the violations are creating a hardship on the property owner. He opined that questionable actions have been taken by City Staff who have treated Mr. Dart unprofessionally. There have been 27 violations filed with fines of \$6,700.00. He opined that the cost of the repairs would be over \$100,000. He said he doesn't understand why there are fines associated with zoning violations and would like Council to consider repealing that. He said he believes this causes no damage to the community and Mr. Dart should be given more time. He recounted that Mr. Dart told him there has been no communication between him and the city but staff has told Mr. Buccalo otherwise. He opined that there needs to be a balance between the administrative and legislative branches of this government. He asked that Council look into the performance of the administrative staff and to delay the Dart PRC case.

Mr. Buccalo believes the old village review board is being marginalized. He added that there is effort to include old village businesses but not the old village residents. He claimed that the city has people from Centerville, Beavercreek, Sugarcreek and other places on committees but not Bellbrook.

Mr. Greenwood and Mrs. Middlestetter thanked the citizens who come out to meetings and speak up.

Mrs. Seger-Lawson welcomed Mr. Tuttle to the Planning Board. She reminded the public that Beggar's Night is on Halloween, October 31 from 6 to 8 PM rain or shine and Friday is the last High School home football game.

Dr. Van Veldhuizen added that next Tuesday, November 5 is Election Day.

Mr. McGill meet with a representative from American Signal Corporation to discuss weather sirens. They showed him a potential system for a minimal cost. They recommend having 2 omni-directional sirens for our city that would include an old one on the building that was once the volunteer fire department. The system is run by cell phone.

Mayor Schweller recommended that if anyone has further questions or comments those can be submitted to staff or Council. Tuesday, November 5 is an important election for the city of Bellbrook and encourages everyone to vote.

## **ADJOURN**

Being no further business to come before the Bellbrook City Council, Mayor Schweller declared the regular meeting adjourned at 8:37PM.

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Michael W. Schweller, Mayor

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Pamela Timmons, Clerk of Council