

**BELLBROOK CITY COUNCIL AGENDA**  
**February 22, 2021**



**City of Bellbrook**  
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Bellbrook, Ohio 45305

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[www.cityofbellbrook.org](http://www.cityofbellbrook.org)

**REMOTE TELECONFERENCE MEETING\*\***

Due to COVID-19, this meeting will be held via Zoom webinar teleconferencing. Live streaming of the meeting is available on the City's YouTube channel (Bellbrook City Hall).

Should any member of the public wish to speak they may do so by logging in to Zoom as an attendee following links at the end of this agenda. You may also submit comments by emailing the Clerk of Council at [p.timmons@cityofbellbrook.org](mailto:p.timmons@cityofbellbrook.org) by 3 p.m. on 2/22/2021.

**6:00 pm – Work Session – Forming a Community Improvement Corporation**

**7:00 pm-Regular Meeting**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of the minutes of the January 18 work session, regular meeting of January 25, and regular meeting of February 8
5. Mayor's Announcements and Special Guest
  - Police Department Annual Report
6. Public Hearing of Ordinances
7. Introduction of Ordinances
  - **Ordinance 2021-3** An Ordinance Amending Ordinance 2020-13 to Adjust the City of Bellbrook Appropriations for 2021 (**Havens**)
8. Resolutions
  - **Resolution 2021-E** A Resolution Authorizing the City Manager to Enter into an Agreement with the Sable Ridge Owner's Association for Gate Maintenance (**Van Veldhuizen**)
  - **Resolution 2021-G** A Resolution Authorizing Michael W. Schweller, Mayor of the City of Bellbrook, to Enter into an Amended Employment Agreement with Melissa J. Dodd, City Manager/Finance Director (**Edwards**)
9. Old Business
  - Composition of future minutes
10. New Business
11. City Manager Report

12. Committee Reports
  - A. Service
  - B. Safety
  - C. Finance/Audit
  - D. Community Affairs
    - a. Board Openings
13. Clerk's Update
14. Open Discussion
15. Public Comment
16. **Adjournment**

**Zoom Meeting Information:**

**Webinar ID: 836 7633 3841**

**Password: 750766**

Future Agenda Items

- March 8<sup>th</sup>
  - Fire Department Annual Report
- March 22<sup>nd</sup>
  - 5:30 pm – 6:30pm Joint Meeting with Township, Parks District and School District
  - Planning and Zoning Annual Report
  - High level goals update and summary

**RECORD OF PROCEEDINGS**  
Minutes of Bellbrook City Council Work Session  
January 18, 2021

Due to the COVID-19 pandemic the January 18, 2021 City Council Work Session was conducted using Zoom's remote webinar platform.

**PRESENT:** Ernie Havens  
TJ Hoke  
David Van Veldhuizen  
Forrest Greenwood  
Elaine Middlestetter  
Nick Edwards  
Mayor Mike Schweller

**ALSO PRESENT:** City Manager Melissa Dodd

Mayor Schweller called the work session to order at 6:00 pm.

**ROLL CALL**

Mr. Hoke, yes; Mr. Havens, yes; Dr. Van Veldhuizen, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Deputy Mayor Edwards, yes.

**INTRODUCTION**

**2:17** Mayor Schweller began by explaining that this work session was scheduled for Council to come together and decide on the goals and direction that Council and City staff should aim to work on in 2021. The City Manager will be the point person on a lot of the items. The agenda was designed to align with the Council Committees. This will allow some oversight of individual goals and give Mrs. Dodd a go-to group of people when questions arise, or ~~decisions are~~ **direction is** needed. If appropriate, a timeline for individual goals can be set with the knowledge that the ongoing COVID-19 pandemic may make changes necessary.

\*Note: These minutes have been prepared and organized to follow the agenda instead of a chronological record of discussions. ORC 121.22(C) A public body must keep full and accurate minutes of its meetings, but those minutes do not have to be an exact transcript of every word said. Minutes

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must be promptly prepared, filed, and made available for public inspection.

**GOAL ESTABLISHMENT**

**1. General**

**8:52** Mr. Hoke asked about how items from the Downtown Improvement section or that were included in the packet gantt chart will be addressed. He also asked if there are specific capital improvement projects that need to be highlighted but might not fall under one of the Goal categories. **9:45** Mayor Schweller answered that the capital improvements are already going to be included in an upcoming meeting, but **if** we find something that has not been included, we can add it. **11:10** Mrs. Dodd answered that she created the gantt chart using the Comprehensive Plan and it is reviewed by staff and the Planning Board about every six months.

**17:19** Mr. Havens stated that he felt that community engagement needed to be on the list of goals so that those items don't get forgotten. He would add the Farmers Market, the 10k Run, and participating in other community organized events. **18:10** Mayor Schweller answered that they had talked about community engagement but had left it off the list because those things are part of the ongoing expectations. **19:32** Mrs. Middlestetter opined that community engagement items will continue to be limited due to the pandemic. **20:06** Mr. Edwards added that community engagement has been an area where the City Manager has excelled and enjoys so there isn't really a need to make this a goal.

**20:56** Mr. Havens apologized because he thought the goals were for the City Manager. **20:48** Mayor Schweller reiterated his opening statement that the work session was for goals for the city which does include the City Manager but also Council. **22:11** Mr. Havens still contended that community engagement should be a goal considering we will be coming out of the pandemic and there has been a year off from events. **22:51** Mrs. Middlestetter explained that goals were for items that are not already part of the expected functions. **23:30** Mr. Havens clarified that he didn't mean things that are already in place but to foster and encourage more things like them. **24:22** Mr. Edwards opined that anytime a Council member identifies a new item it should be

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brought up. If we make it a goal, then we are accountable for making things happen that we don't necessarily have control over.

He would like to have Mrs. Dodd provide an update on the progress of the goals in early March so that council keeps its focus.

- a. **6:06 Ongoing pandemic - continue to monitor coronavirus and its impact on city finances, employees and infrastructure**
- b. **Updates to Zoning Code**
- c. **Updates to Property Maintenance Code**

**50:14** Mr. Havens asked about the progress on the code updates. He stated that he has not seen that the city is doing a good job with enforcing the codes. He would like to add **d. Enforcement of Zoning and Property Maintenance Codes**. He does not want to see the city letting things go as they have done for years and can give example after example. He wants it to be a goal and made a priority. **52:23** Mr. Hoke pointed to a trend in downtown of erosion. **52:50** Mrs. Middlestetter and **53:08** + **72:59** Mr. Edwards pointed out that it is important to have our codes up-to-date and correct before we can enforce them or we could again end up in court when enforcing them. Council did agree that the codes that have been put in place are good and the City needs to enforce them.

**53:14** Mr. Havens stated that sidewalk maintenance codes were put into place 15 months ago and nothing has been done to uphold them. He added that he thinks every sidewalk square in downtown is in violation. **54:00** Mr. Edwards responded that this is a financial issue that affects businesses and he of which Mr. Havens has stated he wants to help. Mr. Edwards believes the city needs to be sensitive to that fact. especially this year with the impacts of the pandemic. **54:28** Mr. Havens said it is a balancing act. He does not think we really have any level of enforcement going on. The **54:46** City Manager explained that just last week letters went out to all downtown property owners that within the next few months the city will perform an inspection of the sidewalks. **55:00** Mrs. Middlestetter expressed concern for the property owners who need to make repairs since typically contractors do not like small jobs and suggested the City consider ways to help facilitate

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the repairs. 55:44 Mr. Havens stated that he could supply names of contractors who could do the repair work. It was agreed that a list should be compiled to assist in this repair work. 58:06 Mr. Greenwood added that dead or fallen trees leaning on utility lines is another problem that our Code Official has not been able to get compliance from property owners.

59:20 Mr. Havens commented that he thinks the Planning and Zoning Administrator was hired in December 2019. He thinks the review and updates to the Zoning and Property Maintenance codes should be complete well before the end of 2021 and then enforcement can become a priority. 79:11 The Mayor agreed and 60:29 Mr. Havens asked to put a date on when the code updates would be complete. 60:59 Mrs. Dodd and 61:16 Clerk Pamela Timmons explained the lengthy process involved in reviewing and updating code. Code in need of review is first reviewed by staff for glaring issues and inconsistencies. Then it goes to the appropriate board for initial review. The Board review has no set deadline and will take as much time as necessary for it to be approved. There might be a second Board that needs to then review it. After Board passage an Ordinance is written. Then it goes to the Municipal Attorney. Once he is satisfied the Ordinance goes through the Council process. A chart was created so that everyone could see where different parts of code stand at any time. 63:12 Dr. Van Veldhuizen appreciated the spreadsheet that shows the progress that is being made. 65:12 Mrs. Dodd said we can give regular updates to Council but it is not possible to put deadlines on the items. 65:33 Mrs. Middlestetter understands wanting these done but she appreciates the work of the city's small staff and the volunteers who give of their time and talents to do this critical work.

74:01 Mr. Havens said he has spoken with Mrs. Hansen the Code Official about particular code violations and she said that the city works on a complaint basis. An inspection is not done until a complaint is received. He said he didn't want to be the Council member who just sends in complaints but there are things in downtown that should have been dealt with a while ago. He supplied the example of an abandoned car parked next to the property that holds Grace and Love Cakes that hasn't been registered in two years and

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has a missing window. The vehicle blocks the view of the business sign. He was told that no complaint has been received. 76:54 Mr. Edwards explained that the city has limitations due to the size of the staff. Staff has been working very diligently on the codes in addition to their other responsibilities while also working remotely due to COVID-19. He believes steps are being taken but they are going to take time unless Council wants to consider hiring more people. It is also worth considering that if the city starts aggressively enforcing maintenance codes it could adversely affect the city's ability to attract businesses. 77:33 Mr. Hoke countered with the idea that for every voice that complains there are a thousand who don't speak up but want the work done. 51:50 Mr. Edwards answered that the city needs to put itself in the best position for moving forward. 78:07 Mrs. Middlestetter opined that there seems to be a large section of the city who does not want government telling them what to do. The 78:53 Mayor thinks we now have a good list and plan. He thanks the Boards whose work can be somewhat thankless but their work is vital.

## 2. Financial

### a. Community Improvement Corporation – Establish and identify funding sources

80:48 Mayor Schweller pointed out that there will be a work session on this for an hour and a half on February 22 with a goal to have it set up by June. He thinks the most important consideration is the funding so that citizens do not think tax money is being used for this. 81:55 Mrs. Middlestetter added that Council needs to decide if it is necessary. 81:18 Mr. Hoke had spoken with some people at Greene County who can provide the paperwork coordination with the Greene County CIC. He does not know why they wouldn't want to pursue a CIC as it can be funded without tax dollars and will provide a return for the city. He does not want this postponed again because the city is decaying and if this trajectory is not changed there will be nothing left. Mr. Hoke added that there are light industrial and storage violations in downtown. 83:34 Mr. Havens added that ~~Council needs to take action pointing to a body shop, a landscaping business, two general contractors, and a roofer in downtown which is against Bellbrook's Zoning Code. These properties can't just go to the highest bidder.~~ "we're going to be an industrial park in

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our downtown if we don't grab the reins. We already have a body shop, landscaping business, a general contractor, another general contractor, a roofer. None of these businesses are even supposed to be in downtown. I can't just go to the ... highest bidder. We've got to get moving on this. If we had a goal of June for a fully operational, manned CIC I could see that."

## b. Future levy projections

**33:11** Mr. Havens reported that he has heard several times that the city does not want to ask for a levy because the schools are trying to get one passed. The school's problem with passing a levy should not affect the city's need to request one since it could take the schools five years to pass one. **33:23** Mrs. Middlestetter explained that traditionally the city and the schools have not had levies on the same ballot. **33:57** Mr. Edwards agreed that in the past the city did not want to compete with the schools for taxpayer dollars but if there is a need for a city levy, we would definitely put it on a ballot regardless of what the school does. He added that it has not been needed in the past and worries that it could weaken the chances of either levy passing. **34:51** Mayor Schweller announced that the next planned city levy would be a renewal for the General Fund in November 2022. Everything else is continuous unless Council wishes to make Police and Fire self-sufficient. He added that if the city needed a levy, they would put it on the ballot.

## 3. Safety

### a. Tornado Sirens

**37:19** Mr. Havens stated that he would like to remove tornado sirens from the list as he believes that they are not needed because we already have a very effective system in place. Many cities have gone to alert systems and does not believe sirens are worth the expense. **37:54** Mr. Edwards agrees that technology has changed but added that every year there are citizens who request the city have emergency sirens. **40:50** Mayor Schweller sees both sides and added that a couple of years ago past Council Member Darryl McGill made a presentation on a low-cost option. He thinks the Council should reevaluate the information this year and make a decision. **41:50** Dr. Van Veldhuizen and



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**42:44** Mrs. Middlestetter agreed that since there is citizen interest Council should keep the item on our agenda until a determination is made. **43:34** Mr. Greenwood reported recently being in contact with Kurtis Benedict, the Emergency Management student who supplied Council with information. He is working on determining what would be necessary to adequately cover our residents and researching companies. He found a system for around \$50,000 using three sirens to cover Bellbrook. **46:02** Mr. Havens suggesting changing the goal to clarify that Council will assess the need for tornado sirens and the rest of Council agreed.

## **b. Fire Department needs and future – possible consolidation of Stations 1 & 2, explore fire district possibilities**

**91:16** The timeline for this will be decided in conjunction with the new Fire Chief after he has gotten settled in sometime in the summer or fall.

## **4. Service**

### **a. Little Sugarcreek Road – borings for solution and next steps**

**47:51** Mr. Edwards opined that this project should be a priority for 2021. It also ties in with other goals like safety, walkability, and downtown revitalization. We don't want to get caught in a position where the road washes away and the city has no plan. **48:24** Dr. Van Veldhuizen agreed that this one stands out to him as of vital importance. The **90:11** City Manager reported that the borings are the next step, and she has a quote for them.

### **b. Walkability**

#### **i. Downtown crosswalks**

The **90:11** City Manager has estimates for these.

#### **ii. Sidewalk connections**

**15:54** Mr. Hoke asked if the Franklin Bridge sidewalk would be considered a goal or a capital budget item. **16:22** Mrs. Dodd said that would be goal in 2023 since it is a big project that requires management. There is some preliminary engineering

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taking place now, but the actual construction project won't begin for another couple of years.

## 5. Community Affairs

### a. Downtown Improvements

#### i. Truck route

**89:14** Mayor Schweller volunteered to talk with Ernst Construction and Tom's Mulch to give them notice that this is being considered. Mrs. Dodd has started working on the rest of it.

#### ii. Streetscape design and implementation

This will be an ongoing item. **90:11** Mrs. Dodd is going to do an RFP for design and implementation to get an idea of cost.

#### iii. Mast arms for the traffic light at Franklin and Main Streets, underground utilities

**10:30** Mr. Hoke recalls that having the downtown utilities run underground was included in long range discussions and he believes that it would be a good thing for the downtown aesthetically. **15:02** The Mayor agreed and said that underground utilities would be included in 5.a.ii. Streetscape design. **12:20** The City Manager added that underground utilities are the property of DP&L and would be determined by them. **13:00** Mrs. Middlestetter added that she would someday like to have the utilities underground, it is a very expensive project and that future problems require digging them back up.

### b. Reestablish the Quarterly Community Meetings

**25:20** Mr. Hoke asked if an item under Community Affairs could be added that would bring together local organizations like the schools, the chamber, the township, and others. **27:50** Mrs. Middlestetter explained that this is being done by the Council members who are the liaisons to the community organizations. This brought up the **Quarterly Community meetings** that use to take place with those groups. The last one was in the fall of 2019. Then the pandemic halted any more of these. Council agreed that

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we should try to bring back these meetings. Item **5.b Reestablish the Quarterly Community Meetings** will be added for this purpose.

**29:24** Dr. Van Veldhuizen commented that he sees this goal similarly to the underground utilities in that the city has little control of completing the goal. We can invite the others to a meeting, but we have no way to make them follow through. Council agreed that they can reach out to the organizations and try to schedule these meetings. **30:26** Mr. Greenwood added that Mrs. Dodd is very involved in many community organizations and does work to ensure good communications. **31:49** Mr. Havens ~~opined that he believes it should be a priority because he feels Council should be doing better~~ said, "I don't want to see that fall off or for us to think that the status quo is adequate. I think that's a really important thing and growing it is something I think is still important." "I just think that should be an ongoing priority. We should look to improve not just consider as good because I think otherwise it can fall off the plate. And it isn't something we've been doing, in my opinion, adequately enough supporting as a whole on city council. I'm not saying Melissa wasn't doing it adequately enough but, I don't believe that I believe we can do it a lot better and especially if there's council supporting of it."

## **ADJOURNMENT**

Mayor Schweller announced that there was no further business to come before the Bellbrook City Council and declared the work session adjourned at 8:20 PM.

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Michael W. Schweller, Mayor

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Pamela Timmons, Clerk of Council



Clerk's notes on changes to the minutes of January 18.

1. Mr. Havens pointed out that the use of the word "decisions" is incorrect.

*The Clerk agrees but also points out that Committees do not constitute a quorum of Council. So even if they come to an agreement, or decision, it is not a decision of Council. Plus, Committee meetings must be open to the public by code and Ohio Sunshine Law so these discussions are as transparent as Council meetings.*

## PART TWO: Administrative Code

### TITLE FOUR: Legislation

#### Sec. 220.01. - Rules of Council.

##### (f) Rule VI—Committees.

(3) Meetings. Committees shall meet on call of the Chairperson. All meetings shall be open to the public to the same extent as meetings of the entire Council when dealing with matters of the same general type of subject matter. The Clerk shall publish a schedule of meetings by the fifth day of each month. Such schedule shall include all meetings scheduled for the month as of that day.

2. Mr. Havens asked to include this section of explanation from the Mayor from 5:45 to 8:55:

*The Clerk disagrees that this is necessary. The following is the transcript of that time stamp video with the coordinating location in the minutes.*

05:45 talk about that if people want to change it, but we thought the general bucket the first thing and probably the foremost is monitor the pandemic. Depending upon how this thing pans out when the vaccine kicks in, what people end up doing, that's still something we got to watch in the standpoint employees and facilities (included under 1. General a. Ongoing pandemic) and also, you know, city finances because with that four hundred and forty thousand dollars we got last year that certainly made a dent in our police and fire budgets. And it was very helpful and very much approved or appreciated, you know.

The next item for general is the zoning code and property maintenance. And these are things that I think if you got the handout, we've got a listing of items that we should focus on. But i think it's very important that we keep it in our forefront because we've got some pretty lousy zoning code sections out there. And we've seen a couple of them and a few folks have looked at them and, you know, kind of brought into our attention and there's a couple things we need to clean up. I know article 14 is out there which probably needs to be revisited. But there's some of those things that need to be tightened up. And I'm not sure if it's a goal or something that's done. The ordinary course I thought it made sense to put it as a goal because it's not going to be necessarily day-to-day operations. I think some of these things you need to just take a, you know, block off a couple hours of time to get into them to read what's out there right now. Think about it and then see some of the feedback we've gotten, you know. (already included in 1. General b & c Updates to Codes. This has been started so the goal is about tracking the progress.)

Under the financial couple things there. First is there's been a lot of talk about the CIC. I think for that we need to talk about our timeline. Where we're going with it. How much of a priority it is. (already included in 2. Financial a. CIC) And I know that at least two members on council would like to see a levy on the ballot to support police and fire make them self-sustaining. So I think we certainly should look at the uh

levy projections and decide when to go before the taxpayer. I don't think now it's necessarily a good time. But we can certainly talk about a map out when is a good time. (already included in 2. Financial b. Future Levy).

You know safety, the one that's kind of staring down our back right now is tornado sirens. And we're getting ready to hit tornado season. So, I'm sure it's going to be front and foremost in front of us. We've had a fair amount of analysis and research done. We probably need to go back revisit that and see if now's the time to do anything. (already included in 3. Safety a. Tornado Sirens) And then next under that is, obviously you know, the fire department which is possible consolidation maybe fire district. (already included in 3. Safety b. Fire Department needs and future) And then service: the ones we thought fit in there the best were obviously little sugar creek. You know, try to find some solutions. Try to find some next steps and try to identify some funding sources. (already included in 4. Service a. Little Sugarcreek Road)

Then we also talked about downtown crosswalk sidewalk connections. (already included in 4. Service b. Walkability) And I guess it would also include if we would do something with the lights at the corner of main and franklin. As far as using the mast arms versus the span wire. (already included in 5. Community Affairs a. Downtown Improvements ii. Streetscape design and implementation)

And then community affairs we've got some downtown improvements. And one of which will be the truck route to make main street a road that does not allow trucks. (already included in 5. Community Affairs a. Downtown Improvements i. Truck Route) And then we get streetscape design and implementation. (already included in 5. Community Affairs a. Downtown Improvements ii. Streetscape design and implementation)

And this is kind of what when we talked with nick and with Melissa on Saturday. This is kind of where we saw the overall focal points of the city at this point. Does anybody have any changes or corrections or think there's anything we've missed?

3. During the discussion on sidewalk maintenance and the financial impact on local businesses Mr. Havens wants to change Mr. Edwards' statement at 54:00 from "this is a financial issue that affects businesses of which Mr. Havens has stated he wants to help" to "Mr. Havens has talked about wanting to attract businesses". *The Clerk made the following change to remove Mr. Edward's comment about Mr. Havens: Mr. Edwards* responded that this is a financial issue that affects businesses ~~and he of which Mr. Havens has stated he wants to help. Mr. Edwards~~ believes the city needs to be sensitive to that fact. **54:28 Mr. Havens said it is a balancing act. He does not think we really have any level of enforcement going on.**
4. Add Mrs. Middlestetter's comment from 55:00 for context. *The Clerk added the comment.*
5. Include the entire comment from 83:34 essentially saying he agreed with Mr. Hoke and warned of having an industrial park in our downtown if we do not grab the reins. *The Clerk added Mr. Havens comments.*
6. At 32:20 under 5b Reestablish Quarterly Community Meetings Mr. Havens wants his comment changed to his recorded words to clarify that we (Council) can do it a lot better if Council supported it. *The Clerk changed the minutes to Mr. Havens' words from the transcript.*
7. Under 4. Financial b. Future levy projections, Mr. Havens asked for the minutes to be changed concerning Mrs. Middlestetter's paraphrased comment that the Clerk represented with the word

“traditionally”. He wants it changed to her verbatim words: “that’s always been a guideline”. *The Clerk did not feel this request corrects the intent of the minutes especially since Mrs. Middlestetter had no issue with the words chosen.*

8. Mr. Havens wanted an explanation added to the January 18 minutes. He stated he believes there was confusion about the purpose of the goal setting work session. He believed that the purpose was to set goals for the City Manager. *The Clerk contests this assumption. The following references were made:*

- [Agenda from November 9, 2020 – Future Agenda Item, 2021 Goal Setting Work Session](#)
- [Agenda from November 23, 2020 - Future Agenda Item, Jan 18, 2021: 2021 Goal Setting Work Session](#)
- [Agenda from December 14, 2020 – Future Agenda Item, City Council Goals Setting Work Session](#)
- [Agenda from January 11, 2021 – Future Agenda Item, January 18<sup>th</sup> 2021 City Goals Planning Work Session](#)
- [Email to Council from City Manager dated 1/16/21 with attachment named 2021 City Council Goals Work Session.](#)
- [Outline for the January 18<sup>th</sup> meeting heading of 2021 City of Bellbrook Goals](#)





**RECORD OF PROCEEDINGS**  
Minutes of Bellbrook City Council Regular Meeting  
January 25, 2021

Due to the COVID-19 pandemic the January 25, 2021 City Council Meeting was conducted using Zoom's remote webinar platform.

**PRESENT:** TJ Hoke  
Ernie Havens  
David Van Veldhuizen  
Forrest Greenwood  
Elaine Middlestetter  
Deputy Mayor Nick Edwards

**ALSO PRESENT:** City Manager Melissa Dodd

**WORK SESSION – to approve the 2021 City Goals**

Deputy Mayor Edwards called the work session to order at 6:30 PM. He explained that the purpose of the work session is to finalize the 2021 City Goals. The Goals included in the packet were updated after the Goal Setting work session on January 18, 2021.

Mrs. Middlestetter asked Mrs. Dodd for more information on number 5.a.ii Streetscape design. She expressed her desire that the existing potted plants to be incorporated. The pots were donated by the Garden Club and the evergreens were donated by the Lions Club. The City Manager explained that she wanted to put out an RFP tailored for Bellbrook. The city of Loveland put out an RFP in January and this was the basis for the one she is proposing for Bellbrook. The designers will look at what is existing and start from there focusing on the things we want to implement. Examples would be streetlights, additional street furniture, signage, and enhanced public spaces. Loveland's RFP was broken down into phases to align with financial projections. Mrs. Dodd added that she read in the Dayton Daily News about a new Greene County grant that might cover the expense of this development plan. Mrs. Dodd had been asked to speak about Greene County's grant programs and was part of the development of it. Having this plan in place could help the city attain future grants for the work since the plan shows we have done our due diligence. The Community Affairs Committee will be asked to look at the RFP and any proposed plans.

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The City Manager said she would be reaching out to the Service Committee during the week for initial discussion on the 4.b.i and ii Crosswalk and Sidewalk proposals. The goal is to position the city so that we could work to be awarded grants if possible, to cover the expense.

Mr. Greenwood said he felt like the Little Sugarcreek Road project should be a priority.

Mr. Havens stated that he thinks Council should put some timelines on some of the goals, so they do not get forgotten. He specifically pointed to 1.b and 1.c Code Updates. He stated that having an open-ended project is not a good way to manage. Dr. Van Veldhuizen said he would suggest regular or quarterly updates to Council. The update could also include a scope of the project and a better idea of completion.

Dr. Van Veldhuizen suggested receiving updates quarterly. Mr. Edwards added that there are lot of sizable goals on the list and staff has done a good job of managing projects. He does not want to see staff get so bogged down in meeting deadlines on so many goals that nothing gets done. Setting priorities makes more sense to him than arbitrary deadlines. Mr. Havens likened the process to building a house that due to the size of the project it must be managed. He suggested a Gantt chart with expectations, not deadlines. Mr. Edwards agreed and believed the quarterly updates will keep everyone up-to-date on progress and if a project is struggling it can be discussed and reevaluated.

Mr. Havens asked if goal 1.d. could be renamed from Property Maintenance Enforcement Plan to Code Enforcement Plan. Council agreed.

Council and the City Manager agreed to the updated list as the 2021 City Goals.

## **REGULAR MEETING**

Deputy Mayor Edwards called the regular meeting to order at 7:00 pm.

## **ROLL CALL**

Mr. Hoke, yes; Mr. Havens, yes; Dr. Van Veldhuizen, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mr. Edwards, yes.

Mrs. Middlestetter made a motion to excuse Mayor Schweller from the meeting. Mr. Havens seconded the motion. All were in agreement. The motion passed 6-0.

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**APPROVAL OF MINUTES**

There being no changes to the minutes of the January 11 Council meeting Deputy Mayor Edwards approved them.

Mr. Havens stated that he believes corrections are needed to the minutes of the work session of January 18 but there would not be enough time to go through them all at this meeting. Mr. Edwards stated that the minutes were submitted to Council and if Mr. Havens thinks there should be changes those should be discussed tonight. If changes to intent or wording are requested those should be made at the next public meeting when all members can discuss them. Changes should not be made based on one person's input. Dr. Van Veldhuizen said he could go back through the minutes, but he had seen no significant errors. Mr. Havens replied that in the past when a Council member wants changes to the minutes, they send those to the Clerk. He added that he typically reads the minutes on the day of the meeting and in this case found a lot of items he thinks should be changed. Mr. Edwards agreed that typographical errors are normally pointed out to the Clerk who makes the correction. In this case it sounds like more extensive changes are being requested. The Clerk was asked how the minutes are prepared. Mrs. Timmons explained that the minutes are prepared using the video recording, the closed captioning, and her notes. Minutes are not a verbatim record of the meeting. The purpose of minutes is to summarize and include enough information that the rationale behind decisions can be understood. She also added that the minutes of the work session were not prepared like regular meeting minutes that are linear and follow the timeline of the meeting. The work session was different, and a linear record made decisions unclear. The minutes of that meeting were reorganized to put all discussions about a topic together. This discussion turned to the legal requirements for minutes. Mr. Edwards asked if all that is required could be supplied by a statement that the transcript of added that the video of the meeting is available on the website for the public's inspection. Mrs. Middlestetter stated that the purpose of minutes is to record the actions taken of the body, not to record everything that is said. She added that the City's minutes are more inclusive than what is strictly required by law.

Mr. Havens made a motion to table the approval of those minutes and Mr. Hoke seconded it. The Clerk called the roll. Mr. Havens, yes; Mr. Hoke, yes; Dr. Van Veldhuizen, yes; Mr. Greenwood, yes; Mrs.

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Middlestetter, yes; Deputy Mayor, yes. The motion to table the minutes of January 18 until February 8 passed 6-0.

**MAYOR'S ANNOUNCEMENTS**

The Deputy Mayor expressed his condolences to Mr. Hoke on the passing of his father.

**PUBLIC HEARING OF ORDINANCES**

Mrs. Middlestetter read **Ordinance 2021-1 An Ordinance Amending Zoning Code Section 20.08 "Proceedings of the Board of Zoning Appeals" of the Bellbrook Zoning Code.**

The City Manager explained that the change will require oaths be administered by the chairperson or vice chair of the Board of Zoning Appeals and this was reviewed and approved by city attorney Steven McHugh.

Mr. Havens asked again if the City's attorney was clear that the BZA is a semi-judicial board. Mrs. Dodd answered that Mr. McHugh is aware of the semi-judicial status of the BZA as every city has one.

Mrs. Middlestetter made a motion to adopt **Ordinance 2021-1 An Ordinance Amending Zoning Code Section 20.08 "Proceedings of the Board of Zoning Appeals" of the Bellbrook Zoning Code.** Dr. Van Veldhuizen seconded the motion. The Clerk called the roll. Mrs. Middlestetter, yes; Dr. Van Veldhuizen, yes; Mr. Hoke, yes; Mr. Havens, yes; Mr. Greenwood, yes; Deputy Mayor Edwards, yes. The motion passed 6-0.

Dr. Van Veldhuizen read **Ordinance 2021-2 An Ordinance Repealing Old Chapter 1244, "Zoning Permits and Certificates" of the Bellbrook Municipal Code and Enacting New Chapter 1244 "Zoning Permits and Certificates" of the Bellbrook Municipal Code.**

Mrs. Dodd stated that the comparison that was used is attached in the packet. Planning Board approved the new fee schedule. After the discussion at the introduction the Ordinance was updated to have an effective date of July 1, 2021.

Mr. Havens added that the fees are still less than those of Sugarcreek Township.

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Mr. Greenwood stated that some seem punitive, but he feels it is important to encourage residents to improve their properties. The updated fees are better able to cover the costs.

Dr. Van Veldhuizen made a motion to adopt **Ordinance 2021-2 An Ordinance Repealing Old Chapter 1244, "Zoning Permits and Certificates" of the Bellbrook Municipal Code and Enacting New Chapter 1244 "Zoning Permits and Certificates" of the Bellbrook Municipal Code to be effective July 1, 2021.**

Mrs. Middlestetter seconded the motion. The Clerk called the roll. Dr. Van Veldhuizen, yes; Mrs. Middlestetter, yes; Mr. Hoke, yes; Mr. Havens, yes; Mr. Greenwood, yes; Mr. Edwards, yes. The motion passed 6-0.

**INTRODUCTION OF ORDINANCES** - none

## **RESOLUTIONS**

Mr. Hoke read **Resolution 2021-C A Resolution Approving the Amended Solid Waste Management Plan of the Greene County Solid Waste Management District.**

Dana Doll, Manager of Greene County Environmental Services, and Randy Gilbert, Assistant Director of Sanitary Engineering of the Greene County Waste Management District presented an overview of the new solid waste management plan. Per Ohio Revised Code the solid waste management plan must be updated every 15 years to the prescribed format 4.0 from the Ohio EPA. The new format was created to be more user-friendly and begins in 2021. Even though the plan must be updated every 15 years, it is reviewed every five years to ensure compliance. The focus is recycling and outreach programs.

Mrs. Doll explained that the Recycling Goals include residential/commercial and industrial. The rate in the county is 31% while the minimum required is 25%. The state average is 29% meaning Greene County exceeds even the state average. The industrial recycling goal is 66% for the state while ours is 80%. The generation fee will remain at \$10 per ton.

The Recycling Complex includes a household drop-off program and yard waste. There are also scheduled events for special materials such as household hazardous waste at least once a month. The new

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component is Outreach and Education that begins with adding a Public Information Officer and looking for opportunities to improve the curbside recycling program.

Mr. Hoke moved to adopt **Resolution 2021- C A Resolution Approving the Amended Solid Waste Management Plan of the Greene County Solid Waste Management District.** Mr. Greenwood seconded the motion. The Clerk called the roll. Mr. Hoke, yes; Mr. Greenwood, yes; Mr. Havens, yes; Dr. Van Veldhuizen, yes; Mrs. Middlestetter, yes; Deputy Mayor Edwards, yes. The motion passed 6-0.

Mr. Havens read **Resolution 2021-D A Resolution Designating a Public Depositor (KeyBank National Association) of Active and Interim Deposits of the City of Bellbrook.**

Mr. Edwards recused himself from the discussion due to his affiliation with KeyBank.

City Manager Dodd stated that this is a renewal of the city's agreement with KeyBank for another five years.

Mr. Hoke asked what the requirements are for requiring a competitive bid process. Mrs. Dodd said that although she has reviewed this in the past, she would have to look up the specifics on the requirement before making a statement.

Mr. Havens asked if the city was charged per check which might make it prudent to look into other bank's services.

Mrs. Dodd answered that the contract was reviewed with the KeyBank representative a couple of month ago.

Mr. Havens asked how a vote can be taken on this legislation if there are still questions involving the laws concerning competitive bidding.

Mr. Hoke said he had read Ohio Revised Code 435.10 stating it is legal for the city to enter into this contract. He clarified that he was just curious what the trigger is for competitive bidding. Mrs. Dodd stated that the city's bank fees are less than \$400.00 per month so the total would be less than the \$50,000 limit. The only way a bid would be required would be if the state made it a condition for banking accounts which it does not according to her experience.

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Mrs. Middlestetter stated she is comfortable with the agreement. She made a motion to adopt **Resolution 2021-D A Resolution Designating a Public Depositor (KeyBank National Association) of Active and Interim Deposits of the City of Bellbrook.** Mr. Hoke seconded the motion. The Clerk called the roll. Mrs. Middlestetter, yes; Mr. Hoke, yes; Mr. Havens, yes; Dr. Van Veldhuizen, yes; Mr. Greenwood, yes; Deputy Mayor Edwards, abstain. The motion passed 5-0.

**OLD BUSINESS** - none

**NEW BUSINESS** - none

## **COMMITTEE REPORTS**

**Service** – Mr. Greenwood explained the Ohio EPA PFAS testing of the city's water supply. There are no national standards, but Governor DeWine has created an action plan. The EPA tested 1,550 public water systems and 6% of those systems showed PFAS. Bellbrook's water system is one of the 6%. But the level we tested at is very low and not a concern. Ohio is one of the few states doing PFAS testing.

**Safety** – Mr. Hoke warned residents of an issue in the crime report. Be careful when discarding unsolicited mail from USBank. Your bank could be sending you a debit card for your unemployment benefits. Criminals are filing unemployment claims using fraudulent names. If you receive an unsolicited debit card from USBank call the number listed on the mailing. You can also file a claim at [Identitytheft.gov](http://Identitytheft.gov).

**Finance** – Mr. Edwards presented the fourth quarter financials which are very good especially considering the effects of COVID-19 on the city's finances.

Mrs. Dodd explained that the information includes final fund balance changes. A few capital projects are pending which includes the software conversion and replacement weapons for the Police Department.

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Mr. Edwards wanted to reassure the residents that Council is cognizant of how tax dollars are spent. It will remain important to watch expenditures. The capital improvement budget will be reviewed in February.

**Community Affairs** – Mrs. Middlestetter stated that the latest Historical Museum meeting information was included in the packet. She highlighted that the digitizing projects are almost done. They are looking into increasing the software license so that the public can access the records. The museum has acquired a late 1800s farm wagon. She also highlighted the many rotating exhibits planned for the year.

## **CITY MANAGER REPORT**

Mrs. Dodd explained that she has a new format for the City Manager Report. She removed the listing of the legislation since these are discussed as they are read in the meeting. Activities expounded upon include:

- All downtown property owners were sent a letter informing them about the city's sidewalk regulations. It explained that this spring/summer all downtown sidewalks will be assessed.
- Boards and Commissions activities will be included in a monthly report to Council.
- The next Council meetings will include presentations of the annual reports of the Service, Police, and Fire Departments. Mrs. Dodd added that she thought Council should also receive an annual report from Planning and Zoning. A written report could be provided, or Mrs. Hansen could present the report at a future meeting.
- The Planning Board approved the re-written Article 14 at its January meeting. It is now with the city attorney. It is a very long and intricate piece of legislation so we do not have a date we can expect to have it back.
- An E-newsletter was sent out this week with COVID-19 and vaccination information.
- The Sable Ridge gate agreement with the HOA is scheduled to be discussed at the next Council meeting. The gate was never added to the recorded plan. The signage and landscaping at the entrance to the subdivision are recorded as the responsibility of the HOA but the gate was never added. The city will continue to own it but the HOA will maintain it. The agreement has been



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being worked on for eight months and is finally ready for Council. The City Manager asked if Council would like a member of the HOA be part of the next meeting she could set that up.

- Community Development Block Grants (CDBG) will open in March and April. The requirements are changing and will now be income-based. Mrs. Dodd will have to determine if the city can apply due to this change.
- There is a Greene County Municipal Grant that Mrs. Dodd plans to apply for. For the last two years Bellbrook has received money from Greene County as a grant to be used to leverage other funding for various projects that fit their criteria. This year instead of granting an allocation to each municipality they are soliciting applications and will be granting it based on projects submitted. She is unsure if we will be ready to submit this year, but she is working closely with representatives from the County. Mr. Hoke offered to help the City Manager with the grant proposal.
- The City has been approached by a High School group called the “Bellbrook Hopeful Squad” who would like to paint a mural in Bellbrook. This has emphasized a challenge that exists in our code. The current code does not identify murals at all. The new Article 14 defines some basic qualities but does not include the process needed to approve and regulate murals. Staff is currently working on this.
- The Community Leaders Meeting is now a 2021 goal and the City Manager is working on scheduling one quarterly. So far only two of the other entities have responded and neither is interested in holding this meeting in the next few months. Mrs. Dodd stated that this was a concern with this goal since the city has no control over the other entities. Mrs. Middlestetter added that the same organizations already attend the monthly chamber of commerce meetings. Mr. Hoke added that the meeting we are trying to encourage is for residents. Mr. Havens cleared up the possible confusion by explaining that there are two different items. One was Mrs. Dodd reaching out to all the community groups to open a dialogue. The second item was reinstating the Quarterly Leaders Meetings that included Bellbrook, Sugarcreek Township, schools, and the parks.

Mr. Havens asked if there has been any response to the downtown sidewalk letters that were sent. He added that he appreciated that property owners were given this advance notice of what will be occurring in a few months.

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**CLERK'S REPORT**

Mrs. Timmons announced the following future items:

- Feb 22
  - Work Session for CIC follow up
  - Police Department Annual Report
- Legislative Items to be considered from Planning Board
  - Vacancy Registration Requirements
  - 18.20(B) – Sign Code
  - Article 14

**COMMENTS**

Mr. Hoke wanted to commend the school staff and teachers as students return to the classrooms full time.

Mr. Havens showed a piece of artwork created by the middle school arts. He is hoping to create some camaraderie within the community by offering to let local businesses and organizations display them for free in their lobbies. He also wished the Mayor a speedy recovery.

Mr. Greenwood none

Mrs. Middlestetter thanked Mr. Edwards for leading the meeting and also wished Mayor Schweller a speedy recovery. She empathized with Mr. Hoke on the passing of his father.

Dr. Van Veldhuizen mentioned to Mrs. Middlestetter that he would be happy to help with the cataloging of items for the Historical Museum. He also thanked the Deputy Mayor for his running of the meeting.

Mr. Edwards thanked everyone for their work.

**PUBLIC COMMENT** – none

**ADJOURNMENT**

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Deputy Mayor Edwards announced that the executive session scheduled for the meeting would be postponed until the next meeting when the Mayor would be able to participate. Being there is no further business to come before the Bellbrook City Council he declared the regular meeting adjourned at 8:20 PM.

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Nick Edwards, Deputy Mayor

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Pamela Timmons, Clerk of Council



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Due to the COVID-19 pandemic the February 8, 2021 City Council Meeting was conducted using Zoom's remote webinar platform.

**PRESENT:** TJ Hoke  
Ernie Havens  
David Van Veldhuizen  
Forrest Greenwood  
Elaine Middlestetter  
Nick Edwards  
Mayor Mike Schweller

**ALSO PRESENT:** City Manager Melissa Dodd, Service Director Ryan Pasley, Fire Chief Anthony Bizzarro, Police Chief Doug Doherty

**WORK SESSION – Capital Projects**

Mayor Schweller called the work session to order at 6:00 PM.

**ROLL CALL**

Mr. Hoke, yes; Mr. Havens, yes; Dr. Van Veldhuizen, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mr. Edwards, yes; Mayor Schweller, yes.

The City Manager began by emphasizing the need to focus on items for 2021. She explained the spreadsheet listing the status of planned capital projects. After Council determines the priorities a supplemental appropriations ordinance can be brought for adoption at the February 22 Council meeting. The spreadsheet is separated into the three funds from which the capital improvements are paid; Streets, Capital Improvements, and Water Funds.

- **Streets Fund** does not include any extra projects planned for 2021 except for the yearly paving. In 2020 the City allocated an additional \$50,000 to paving from the gas taxes received out of this fund. The annual amount of \$150,000 out of the Capital Improvement Fund is also allocated. Council needs to decide if they want to duplicate this in 2021. Paving takes place every year and the streets to be completed in 2021 include Cedar Court, Glenberry Circle, Kensington Drive,

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North Field Drive, Plantation Trail from Bellemeade to Moss Oak, Poston Drive, and Sable Ridge Drive. The estimate to complete these is \$189,000. Service Director Pasley added that the dollar estimates are based off last year's high estimates. The City will need to supply their paving quantities in March. The project does not go out for bid until April or May. Streets are chosen on rotation and considering actual deterioration as witnessed by the Service Department. The City Manager explained that as the year progressed, the amount the City received from the gas tax increased. She believes there will be enough money available to pay for the additional above the yearly allotted \$150,000.

Mayor Schweller referred to the projection near \$190,000 on the high end. He would like for the City Manager to evaluate the amount the City receives from the gas tax over the next few months before a final decision is made. He added that it makes good sense to keep up with the paving yearly and not allow larger problems to grow. Mr. Pasley added that it is not a problem to cancel out a street right before paving begins, usually in August or September.

Mr. Hoke asked how long the City has been allocating \$150,000 per year as that seems to be a very reasonable number for the work being done. Mr. Pasley believes it went from \$100,000 to \$150,000 either eight or ten years ago.

- **Capital Improvement Fund** – separated by Department. Mrs. Dodd explained that like every year \$350,000 was transferred into this fund at the start of the year to offset the cost of projects already planned.
  - Computers – we are on a rotation schedule for computer workstations. 2021 is a light year with only \$7,000 being allocated due to this being the fourth year. Almost all the workstations have been upgraded.
  - Service
    - Culvert relining for Crescent Court
    - Downtown Street Lighting – done in four phases. Mrs. Dodd reported that the Community Affairs Committee reviewed this item. They discussed putting out an RFP for a streetscape design proposal. The RFP is being reviewed by the City's attorney. A company would be chosen to come in and within six months create

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a cohesive plan that the City could use to make improvements over time such as upgrading streetlights. Streetlights would most likely not be purchased in 2021 but money could be allocated to this project later in the year if needed.

- Crosswalk Installations – The City Manager would like money to be earmarked for a cross walk at 725 and Little Sugarcreek Road. The Service department will need to do more research on this project before it begins.

Mr. Havens asked about the timing of the streetlight project since a company would need six months to create the plan. He asked if it might make sense to have some money set aside so that, if approved, the first phase of the project could begin in October or November. Mrs. Dodd answered after the plan is received it will be presented to Council. If Council would like work to begin that can be accomplished with a supplemental appropriation. She will remove the \$65,000 from that line of the spreadsheet.

Mr. Greenwood asked if one-way streets downtown could be considered during the streetscaping planning. Mrs. Dodd said she could add that to the list of items to research as City staff meets with the company who is awarded the RFP.

Mr. Hoke had a question concerning the timing of the allocations. If a plan is not approved until late 2021 could \$130,000 be allocated in 2022 or would it all be pushed out a year. Mrs. Dodd explained that due to the timing of the RFP and plan creation taking most of 2021, the request is for a three-year phased project. It could be possible to move the dates up depending on Council's decisions.

- Police – requesting two new cruisers. Police Chief Doherty explained that the 2015 cruisers the Department currently have performed very well. The space, durability, and practicality have been just what was needed. These replacements were originally scheduled for 2020 but got pushed back by the previous City Manager. They are starting to see some minor issues as they are close to 100,000 miles. They have gotten good use. The Chief added that in Xenia where he came from, the vehicles were on a four-year rotation. Bellbrook's cruisers do not get run very hard, but they do a lot of stopping and

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idling which adds to the engine hours which can be more telling than the milage. The amount listed on the spreadsheet includes the price of the cruiser and the equipment that cannot be salvaged from the current vehicles.

Mr. Havens asked how the used cruisers are sold and where does that money go. The Chief said they are sold through Govdeals.com. The City Manager said she thinks the proceeds go to the General Fund or Police Fund. The money is originally sourced from the General Fund.

Mr. Havens asked that the \$118,000 is over and above the \$150,000 that the City allocated to the Police Department every year bringing the total from the General Fund to \$268,000. The City Manager said that was true. Mr. Havens added that it might be a point when the City should consider a Police levy.

- Fire – only has planned purchases totaling \$5,500.

Mrs. Middlestetter asked if the department takes old American flags. Chief Bizzarro explained that the department collects them, then the Boy Scouts burn them.

- **Water Fund** has two smaller dollar items: well-related projects and a meter-reading software upgrade. The exterior painting of the Bledsoe Drive water tower needs to be done in 2021.

Mr. Hoke asked how the pricing compares to the last tower repainting. Service Director Pasley explained that the other tower at the High School required the same process but this one is a bigger tower. It will have been 15 years since it was painted. The painting company Dixon Engineering recommend they be painted every 10 years, but that has not been needed. An adhesion test was done last year, and it was determined that the paint was still in good condition. It will only require a scuffing up and new paint. The last time it was painted in 2006 the paint was in bad shape after 21 years. It required bead blasting before new paint could be applied. By staying on top of it the City can avoid the expense of bead blasting.

Mayor Schweller asked if only the exterior was being painted. Mr. Pasley answered that it includes inside repairs so it will be drained and examined. They will paint inside the bowl but not inside the entire structure.



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Mr. Havens asked if the company guarantees how long it will last. Mr. Pasley answered the company wants to paint it every 10 years. But by having it examined last year it was discovered that it was still in good shape and would easily last until 2021.

Mr. Greenwood asked if the City could have a specific design painted on the tower. Mr. Pasley said the City logo would be included in the price. If Council wanted something different there would be a cost to this like having the Golden Eagle painted on the tower by the High School.

- Future Projects past 2021 – Mrs. Dodd brought attention to items that will be planned for future years. Council decided an hour-long work session will be needed in the fall specifically for Capital projects.
  - Service – Franklin Street Pedestrian Improvement Project is likely to begin in 2022 but this is up to the MVRPC. The department will also need a new street sweeper. The money for this comes half from the streets fund and half from the water fund.
  - Police – Two new cruisers and the necessary equipment will be needed in 2023.
  - Fire – There are several large expenditures needed in a couple of years. Two new medics will be needed: one in 2022 and one in 2024. Also in 2022 are self-loading cots and cardiac monitors in 2023. In 2024 the department will need a new ladder truck or engine. These items will require more discussion due to their significant cost.
  - Water – the department will need a backhoe paid for half from streets and half from water. In 2025 they will need a pickup and a dump truck.

The City Manager thanked the department heads for assisting with tonight's work session.

## **REGULAR MEETING**

Mayor Schweller called the regular meeting to order at 7:00 pm.

## **ROLL CALL**

Mr. Hoke, yes; Mr. Havens, yes; Dr. Van Veldhuizen, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mr. Edwards, yes; Mayor Schweller, yes.

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**APPROVAL OF MINUTES**

The Mayor asked if anyone had any changes to the minutes of the January 18 work session or the January 25 Council meeting.

Mr. Havens requested the following changes to the minutes of January 18:

1. In the introduction line five, he asked to remove the phrase “decisions are needed” as committees cannot make decisions.
2. Add the Mayor’s points from 5:45 to 8:55 listing out the goals for context.
3. During the discussion on sidewalk maintenance and the financial impact on local businesses Mr. Havens wants to change Mr. Edwards’ statement at 54:00 from “this is a financial issue that affects businesses of which Mr. Havens has stated he wants to help” to “Mr. Havens has talked about wanting to attract businesses”. Mr. Havens went on to state, “to me there’s an interesting distinction there. I never said that I wanted to help businesses, or I wanted the City to help businesses in that regard. But we wanted to make those changes to attract. It may seem subtle to some but it’s not something I want to have on record of me saying.”
4. Add Mrs. Middlestetter’s comment from 55:00 for context.
5. Include the entire comment from 83:34 essentially saying he agreed with Mr. Hoke and warned of having an industrial park in our downtown if we do not grab the reins.
6. At 32:20 under 5b Reestablish Quarterly Community Meetings Mr. Havens wants his comment changed to his recorded words to clarify that we can do it a lot better if Council supported it.
7. Under 4. Financial b. Future levy projections, Mr. Havens asked for the minutes to be changed concerning Mrs. Middlestetter’s paraphrased comment that the Clerk represented with the word “traditionally”. He wants it changed to her verbatim words: “that’s always been a guideline”.
8. Mr. Havens wanted an explanation added to the January 18 minutes. He stated he believes there was confusion about the purpose of the goal setting work session. He believed that the purpose was to set goals for the City Manager.

Mr. Havens also had comments concerning the minutes of January 25:

- Mr. Havens recounted that Mr. Edwards brought up that the amount of detail the City includes in its minutes is not a requirement. Mr. Havens added that he believes the amount of detail has

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a positive and negative effect when discussions are paraphrased in a legal document. It might be extra work for more confusion than good. It might be able to save effort on Pam's part as well and dollars for the City. Mr. Havens stated that the conversation about the minutes including comments from Mrs. Middlestetter and Mr. Edwards is not shown in the minutes. He said he thinks this topic should be discussed. He said he is not sure we should go to the level we do. He added that he appreciates it, but definitely thinks we need to be careful when we put things in writing and call it a record or refer to it as a record.

Mayor Schweller asked the Clerk to review the video recording for January 18 and 25 related to the items Mr. Havens listed. He asked Council if they want to discuss minutes and whether they want to possibly reduce the volume. He added that the minutes are not verbatim and are not meant to be a transcript of the meeting. That is what the video recordings are for.

Mayor Schweller asked if anyone else had any comments or corrections to the minutes of January 25. Mr. Havens wanted to clarify that he would have normally just sent these to Pam and asked for some corrections but on the twenty-fifth Council concluded that they wanted to talk about them publicly. The Mayor declared the minutes be tabled for January 18 and 25. All were in favor.

## **MAYOR'S ANNOUNCEMENTS**

- The Mayor read a proclamation declaring February Black African American History Month.
- Service Department Annual Report

Service Director Ryan Pasley presented the report.

- For 2020 the Bellbrook pumped 300 million gallons of water and only lost 7.66%. The year before was 14%. This amount is based on how they flush hydrants and water mains. Last year they flushed the water mains to get rid of iron and other debris that accumulates in the pipes. The EPA considers anything greater than 20% a problem. The department billed 277 million gallons, so they are going a really good job.
- Snow removal was about half as much as the previous year meaning less salt was used. This was important because last year salt cost \$87 per ton but is down to \$44.55 per ton this year.

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- Two years ago, Mr. Pasley had asked Council to approve \$30,000 per year to replace fire hydrants because it had not been done before. There had been 13 hydrants that were planned to be installed in 2020, but due to the COVID pandemic only four got replaced. They saw about the average number of collision repairs and water main breaks that had to be dealt with. They plan to get back on track with the hydrant replacements.
- The major projects in 2020 were the N Belleview Road culvert replacement, Beechwood Road culvert relining, and the N West Street sidewalks.
- The milling and paving of streets came in under budget.
- Everything the department does is tracked by work orders. They had 1,867 utility locate requests, 1,414 water service work orders, and 1,115 general work orders.
- The Department helped facilitate the best possible uses of the CARES Funds received. They installed touchless hand dryers and soap dispensers in city buildings. They also contracted to have touchless doors installed at the library and the City building main entrance and administrative offices.
- Staff health is vitally important and so during the stay-at-home order they had to determine the best way to serve the City and keep everyone safe. All Service Workers are always on call but only three people would report in if there was not an emergency, one of which was always Mr. Pasley. They continue with all the safety protocols including taking their temperatures every day, wearing masks, staying socially distanced, sanitizing surfaces, and using a fogger on the insides of the vehicles.
- Staffing is the final item. Mr. Pasley reminded Council that the department had been short one employee for 10 and a half months. It was not an issue during the lock-down, but they have now hired someone bringing the department up to full staff. Josh Burns joined the department with a similar background, so he already had the necessary skills except snow removal.

Mr. Pasley thanked Council for their support and asked for questions.

Mayor Schweller asked if there is a plan to install a guard rail along the new section of N Belleview Road.

Mr. Pasley explained that the new culvert and section of road is much wider and does not require a guard rail for safety. The width would also allow for sidewalks to be added in the future. If a rail is something the Council wants to consider it could be researched. Mr. Schweller noted that his only concern was

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when leaves or snow are covering the road it is difficult to tell where the edges are. He asked if Mr. Pasley could look into whether something could be done inexpensively. The Mayor thanked Mr. Pasley and the entire department for their great work ethic and responsiveness.

Mrs. Middlestetter asked if Mr. Pasley knew of any safer alternatives to road salt as the salt is very damaging to cement driveways. Mr. Pasley responded that there are pre-treatments such as beet juice or a salt solution, but he does not know of any cost-efficient ice or snow remedies. Mr. Greenwood added that urea can be used but is very expensive.

Mr. Hoke asked if Mr. Pasley has any online forums or collaborations with others such as Greene County, the state, or the EPA that he wishes he had. Mr. Pasley could not think of any. He explained that he is already in regular contact with all of his local counterparts and has good relationships.

Mr. Hoke asked if there will be a need for additional staffing in the future. Mr. Pasley responded that they should be fine until Mr. Burgan retires in about three years. The next closest to retirement is Mr. Pasley in 10 years.

Council all thanked Mr. Pasley for the report and for the great work his department does.

**PUBLIC HEARING OF ORDINANCES** - none

**INTRODUCTION OF ORDINANCES** - none

### **RESOLUTIONS**

Dr. Van Veldhuizen read **Resolution 2021-E A Resolution Authorizing the City Manager to Enter into an Agreement with the Sable Ridge Owner's Association for Gate Maintenance**. He pointed out that there is a word missing in the resolution. The Clerk will make the correction.

The City Manager provided some history behind this resolution. When the subdivision plan changed in 2000 it had been decided that a gate would be installed. Every Monday the City checks the gate to ensure it is working. If it is found to be inoperable for any reason it is left open to allow for emergency access. At one point the gate was found to be inoperable and was left open for quite a while. The City received an estimate, and the repair would be costly. This started conversations about who was responsible to pay for repairs. In this case the question is not easily answered. Typically, a subdivision plan will have responsibility for common items specifically called out such as signage at the entrance.

## RECORD OF PROCEEDINGS

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These common items are listed on the recorded plans as owned and maintained by the homeowner's association (HOA). In the case of Sable Ridge, the gate was never defined on the plan. Mrs. Dodd contacted the City's attorney to draft a licensing agreement which is attached to the resolution. The Sable Ridge HOA has been in discussions with the City about this for approximately eight months. Everyone agrees that the City retains ownership of the gate and the HOA is responsible for maintaining it. The City has always paid the electric bill for the gate and will continue to do so since it is minimal. The City will continue to check it and use it for emergency access. The City reserves the right to remove the gate if we ever decide that is necessary. Either party is able to terminate this agreement.

Mrs. Dodd introduced Glenn Costie who is a representative of the Sable Ridge HOA.

Mr. Costie thanked the City Manager and added that several years ago the gate broke down after a hurricane and the City covered the repair cost. It continued to work until this latest repair which turned out to be costly. This process is allowing everyone to have closure on the responsibilities of the gate. The HOA is in a good financial position to take on the maintenance responsibility. The neighbors agree. The gate is currently open and the HOA is ready to begin repairs.

Mayor Schweller asked if the City received much feedback on the gate. Mr. Costie replied that for the neighborhood it is about through traffic and excessive speed when the gate is open. He recounted that some homeowners on the Kensington side had concerns about distances around when N Belleview was closed. One Kensington homeowner likes the dead-end street that the closed gate provides. Mrs. Dodd added the only time she hears anything is immediately following the gate being opened or closed.

Mr. Greenwood asked about the original purpose of the gate. Mr. Costie answered that during the development planning the Fire Chief had concerns that there needed to be two accesses to Sable Ridge. Little Sugarcreek Road used to flood, and the City was concerned about being able to access the neighborhood. Kensington Road was a dead end and did not want a through street. The compromise was a gate that could be opened when needed for emergencies. Mrs. Dodd added that the Fire Chief did have commentary but also there are subdivision regulations concerning the length of a cul-de-sac. The City's engineer had an issue with the length as well. The developer recommended the gated access. This compromise was agreeable to all the parties.

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Mr. Greenwood asked if there were any other options to a gate, such as signs. Mrs. Middlestetter doubted people would pay attention to signs. She added that this conversation comes up every time a subdivision is developed. If a connecting plat does not get built right away the homeowners get use to closed off streets. When the connecting plat is built people complain that the neighborhood is now open at both ends. The City's subdivision regulations state that there must be adequate access, such as two points of entry/exit. Most recently this was seen when Highview Terrace did not want to connect to The Landings. The needs of the community have to be considered. Mrs. Dodd added that there has been a shift in the way developments are designed. It used to be standard for housing to be built in a grid which gives lots of access points. Current developments are designed for owners who want cul-de-sacs with only one road in.

Dr. Van Veldhuizen opined that this agreement is a good compromise where the City retains ownership.

Mr. Havens pointed out that he thinks the numbering is off in the agreement and should be reviewed. He asked about the meaning of the statement in item 3 (b) Services Provided that reads, "licensor agrees to make reasonable efforts to protect licensee from interference or disturbance by third persons.

Mr. Havens also asked about 3 (l) Commercial General Liability that requires the Sable Ridge HOA to acquire an insurance policy with \$1 million per occurrence and \$2 million aggregate. He wants to know if that would cover the costs incurred if the fire department could not get through in an emergency and the gate was not working. And if they have to bust through the gate, would it be repaired under that policy. He thinks they should take a second look at the policy specifically concerning an event when the gate did not work. He would not want someone to hold the City liable for a house that burnt down or a criminal that got away and hurt somebody. Outside of that he agrees with Dr. Van Veldhuizen that this is a good way to proceed and we always have an out.

Mayor Schweller and Mr. Hoke asked if the City Manager thought it made sense to review the spacing, bullets, and numbering of the agreement. Mrs. Dodd agreed but added that formatting in Word with multiple bullet levels can be difficult. The Mayor added that the other item to be reviewed is the insurance policy. Mr. Havens asked who created the document. Mrs. Dodd said it was the Municipal Attorney.

Mayor Schweller recommended that **Resolution 2021-E** be tabled. All Council members agreed.

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Mrs. Middlestetter read **Resolution 2021-F A Resolution Approving the Amended Agreement and Bylaws of the Miami Valley Risk Management Association (MVRMA)**

City Manager Dodd explained that the memorandum from Thomas Judy, Executive Director and a summary of changes was attached. The full bylaws were not attached because they are very lengthy, and the City does not have the ability to change them. Two-thirds of the members have to pass legislation in order for the bylaws to be approved. The changes fall into three categories: improvements in wording, clarifications of intent, and substantive changes. The bylaws had not been updated since 2002 they found it necessary to do so. Most of the substantive changes that were made reflected the evolution of the pool.

Mrs. Middlestetter made a motion to adopt **Resolution 2021-F A Resolution Approving the Amended Agreement and Bylaws of the Miami Valley Risk Management Association (MVRMA)** Mr. Hoke seconded the motion. The Clerk called the roll. Mrs. Middlestetter, yes; Mr. Hoke, yes; Mr. Havens, yes; Dr. Van Veldhuizen, yes; Mr. Greenwood, yes; Mr. Edwards, yes; Mayor Schweller, yes. The motion passed 7-0.

**OLD BUSINESS** – none

**NEW BUSINESS** - none

**CITY MANAGER REPORT**

Mrs. Dodd thanked Service Director Pasley and his department for the great work they do every day.

- Work on the 2021 Council goals has already begun. The Committees will touch on this. She reported meeting with Community Affairs and being in communication with the Service Committee related to their respective goals.
- Greene County Regional Planning is working on the Greene County Land Use Plan – Perspective 2040. They are conducting a mapping and implementation strategy workshop. Council and board members have received invitations to participate. There is an option to complete packets from home if anyone is interested. Staff has already participated.



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- The Police Department has posted a job opening for an Administrative Assistant. Nichole Etchison is leaving the end of February. She has been a great asset to the Police Department.
- Greene County Emergency Management has provided the Fire Department with an allotment of COVID-19 rapid tests for use by employees. Employees must be symptomatic to receive a test. This is a great resource to keep our employees and the community safe.

## **COMMITTEE REPORTS**

**Service** – Mr. Greenwood reminded residents to be aware if your meter pit is shallow you need to make sure it doesn't freeze. One solution is to allow a little bit of water to run from the faucet to keep lines from freezing. He also asked that people not park on the street when snow is predicted so that the snowplows can get through.

**Safety** – Mr. Hoke again warned residents to be on the lookout for fraudulent unemployment claims.

**Finance** – none

**Community Affairs** – Mrs. Middlestetter had nothing to report but did mention that the committee had looked at the proposed RFP for streetscape design to be discussed at future Council meetings.

## **CLERK'S REPORT**

Mrs. Timmons announced that Council will be receiving updates on the activities of the City's boards and commissions at the first Council meeting of every month. The January update is included in this packet. The highlights include Planning Board approving the update to Article 14. They have been working on it since October. It is now with the Municipal Attorney and then will be coming to Council. There were no cases for the BZA-PRC to hear but they have volunteered to help review the Property Maintenance Codes. They discussed their initial thoughts and items for consideration. The Village Review Board approved a sign for The Bell House which is an event space at 9 E Franklin Street.

Mrs. Timmons announced that there will be a work session before the next Council meeting beginning at 6:00 pm to discuss Community Improvement Corporations. The regular meeting will begin at 7:00 pm and will include the Police Department annual report.

**RECORD OF PROCEEDINGS**  
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**COMMENTS**

Mr. Greenwood thanked Nichole Etchison for her hard work for the Police Department and wished her a lot of luck at her new job.

Mr. Havens asked the Clerk to explain what The Bell House is. Mrs. Timmons answered that it is in the brick building on the corner of Franklin and Main owned by Bella Hart. The second floor was renovated and is a large space that can be rented for events.

Mr. Havens also asked that even though the schools and the parks declined the quarterly meeting, could they lead the way by calling a meeting and he knows the Township would be interested. We could invite the parks and schools and even if they decline at least we are moving forward. Mrs. Dodd answered that the meeting will be the week of March 22. Mr. Havens asked if the parks and schools were still declining the meeting. Mrs. Dodd responded that all the organizations are participating in the meeting.

Mr. Havens announced that there will be an opening for a Parks Commissioner. Information on how to apply is on the Parks webpage. We helped advertise for the position that was open last year and wanted to do that again in this case on the City's website. This applicant can be from the City or Township.

Mr. Havens asked for Council's consideration. He knows there have been some challenges with the trail along Little Sugarcreek from Dot's parking lot to Magee Park. He said he spoke with some folks at the parks including a Commissioner. They showed some interest in making that happen for us. Maybe instead of having Clemens deed that property to the City, Council could consider facilitating that deed to go straight to the parks with an agreement that they would make the trail happen for us. It could connect right to one of the crosswalks that is being worked on down there for the coming years. He thought it might be a good way to sidestep and still get us a pathway especially now that Magee is more than doubling in size with the addition of Edna Mae's property. It also allows connectivity to two additional communities that are currently kind of isolated. Dr. Van Veldhuizen asked for Mr. Havens to explain how the park is increasing in size. Mr. Havens answered that the parks are really good at getting grants for money to acquire land. He thinks they are up to 680 acres. They got another grant and were able to get that property just north of Magee Park. It includes a house and a garage and a barn. The planning stage is ongoing but that is a lot of land to add to Magee park. He didn't know if this is a

## RECORD OF PROCEEDINGS

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discussion or working meeting, but he thought if we can make something like that happen for the City and not have to do much work in wrestling that for the residents and increasing connectivity, he thought it would be something worth pursuing. Mr. Hoke concurred. Mrs. Middlestetter said it sounds like a workable idea but thinks Council needs to consider plans for Little Sugarcreek Road before effort is put into a walkway. Mr. Havens explained that this path already exists on the east side of the creek and is more like a horse trail right now. It would just be bringing it up to snuff where people could walk on it easier. Mrs. Middlestetter asked for clarification of the location to make sure they were not talking about the walking path through the development. Mr. Havens clarified that this is another path that stays along the creek to Magee. Mr. Havens added that he didn't know if the rest of Council knows that the parks are putting in a swinging wooden bridge in Morris Reserve. The possibility exists that we could get a cable bridge there or possibly large stones that could be used to step across the stream. They had all kinds of ideas of how they could make it happen. They want to connect Magee Park to Edna Mae's property. There is a portion of the stream on Possum Run that is in that property that could be transferred or should be transferred to the City that would help the parks connect those two parks. He thinks it is a win-win based on some generic conversations that he and Mr. Hoke had. He wanted to see if he could hand it off to the City to be able to wipe our hands of it and make it happen. Mayor Schweller commented that whatever is done they must be cautious of the stream. He thinks the City will end up owning both sides of it and must be careful of what is requested as the City has been looking into this for a while.

Mr. Hoke said he did not have any specific comments except to commend the Mayor on the proclamation for Black African American History Month. He explained his passion for citing certain historical figures. He told of a medal of honor recipient from WWII. Staff Sergeant Edward Carter Jr. was awarded this honor posthumously. A brief summary of his service began when his parents were missionaries in China, and he joined the Chinese military at the age of 15. The military booted him out when they found out he was 15. Later he joined the Spanish civil war as a socialist in the Abraham Lincoln Brigade. He ended up back in the United States and in WWII. He spoke at least four languages. He survived significant wounds and was captured by the German military. He relied on his knowledge of the German language to gain valuable intelligence. There are many great history lessons like this.

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Dr. Van Veldhuizen thanked Mr. Havens for talking to the parks and he thinks it makes sense to partner with them. He also wanted to comment on the discussion about the minutes including how they are created. He pointed to the corrections that Mr. Havens discussed. The discussions about minutes are usually very quick. It was mentioned that Council is not required to include the current level of detail in the minutes. He thinks the way the City has taken minutes has been good from a historical reference and are easy to search. He opined that services like YouTube might take over this function in time. He would like for Council to decide about how minutes are to be done and then move on. He added that he is happy with the current process. Mayor Schweller said he would talk with the staff because he knows there have been a lot of times this level of detail has made it easier for staff to research questions that come up from many years ago. He agreed that a decision needs to be made.

Mayor Schweller thanked Mr. Pasley and the entire Service Department.

### PUBLIC COMMENT

David Buccalo, 126 Lower Hillside Drive, Bellbrook, stated that he was not attending on behalf of anyone but himself and is focused on the charter and the quality of governance in the community. He explained for anyone that is not aware that Bellbrook has a City Manager form of government not a state statutory form of government which is an important distinction. He stated his concern is about the roles of some members of Council. He clarified that none of his comments should reflect on the City Manager, the Clerk, any of the Department heads, or any of the hourly or salaried employees. He asked Council to explain the process for airing grievances against a particular Council member and what is the policy when it comes to policing your own members if they are found to be in violation of the charter. He asked that if they did not know the answer that someone could research it and let him know. Mayor Schweller answered that they would look into it and ask the Municipal Attorney. He added that Ohio also has an Ethics Commission. Mr. Buccalo asked the City Manager to preserve any emails, text messages, voicemails, or notes in her possession or the possession of the Zoning Department, and any employees between their offices and any Council members. Mr. Buccalo stated that this is an inquiry about process. He believes this could move forward and he stated he does not want any City resources used to assist a Council Member when it concerns that member's responsibilities. Mr. Hoke asked if Mr. Buccalo could

# RECORD OF PROCEEDINGS

Minutes of Bellbrook City Council Regular Meeting

February 8, 2021

explain the issue in general terms. Mr. Buccalo answered by explaining that Council is delegated to setting policy and legislation. They are not to be involved in the day-to-day activities of City employees since this is why Council hires a City Manager. Dr. Van Veldhuizen asked for more clarification about violations of the charter. Mr. Buccalo explained that he is concerned with a specific Council member, not all of Council and he is asking about the process since he has solid concerns and documentation. If the process shows that his concerns are valid, he would like to have them aired. If they are not valid, then he wants to be fair.

Mr. Buccalo also recounted that he was recently transported by a Bellbrook ambulance. He wanted everyone to know that they provided excellent service.

## **EXECUTIVE SESSION**

Mrs. Middlestetter made a motion to enter into Executive Session for the purpose of considering the employment and compensation of a public employee. The motion was seconded by Mr. Edwards. The Clerk called the roll. Mrs. Middlestetter, yes; Mr. Edwards, yes; Mr. Havens, yes; Mr. Hoke, yes; Dr. Van Veldhuizen, yes; Mr. Greenwood, yes; Mayor Schweller, yes. The motion passed 7-0.

The Mayor announced that there would be no further business following the executive session and adjourned the meeting at 8:20 PM so that Council could proceed with the executive session.

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Michael W. Schweller, Mayor

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Pamela Timmons, Clerk of Council





## Police Department 2020 Annual Report

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### Administration Objectives

1. Working with the Office of Criminal Justice Service to meet police standards through the Ohio Collaborative
2. Patrol tactics have been modified
3. Community event cancellations
4. Community continues to be important as we remain attentive to ideas to involve our police department with our residents
5. Fitness Challenge cancelled due to COVID but looking to set new goals and challenges for the next

2

## Patrol Operation Objectives

1. Due to the pandemic, significant changes were made
  - Community interaction
  - Staff interaction
2. Safety protocols implemented
  - Cleaning procedures
  - Temperatures
3. Plan to add an additional bike patrol officer in 2021

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## Training

1. No mandated continuing education standard for 2021. However, BPD strives to match the previous year's standard in training hours and attend all appropriate trainings/seminars that will improve our abilities.
2. Constantly seek training opportunities within our department, adjoining LE agencies, OPOTA and with other law enforcement entities.
3. Continue to forecast training needs of our department with those required by the State of Ohio and with relevant training topics.

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# Training

## Online Training

○ The BPD uses Lexipol, that houses the police department's policies and procedures. Each officer must complete Daily Training Bulletins. By completing this task daily, officers are able to sharpen their skills and be reminded of our policies and procedures.

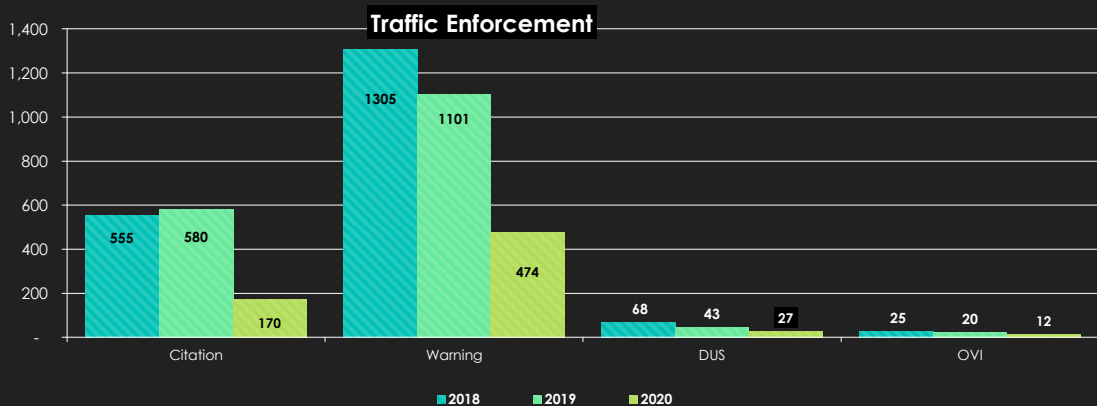
## In-House Training

○ We use our in-house instructors which are OPOTA certified to teach. In 2020, all officers received and successfully completed the following in-house training:

1. Firearms Qualification: includes duty pistol, shotgun, assault rifle, less-than-lethal shotgun and off-duty pistols.
2. Taser Qualification
3. Legal Updates

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# Traffic Enforcement



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## Crime Statistics

Type of Crime	2017	2018	2019	2020
Burglary/B&E	2	5	6	3
Robbery	1	1	0	1
Sex Related	9	7	3	9
Felony Theft	5	10	5	7
ID Theft	12	7	25	4
Theft	36	40	25	29
Drug Related	68	34	24	9
Vandalism/Criminal Damaging	31	21	16	21
Missing Person	3	1	1	6
Domestic Related	35	28	43	27
Assaults	6	7	4	3
Death Investigation	6	8	6	10
Forgery/Fraud	26	9	13	22
Bad Checks	11	0	4	0

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## Ohio Collaborative Community Police Advisory Board (OCLEAC)

○ In December 2014, Gov. John R. Kasich signed Executive Order 2014-06K, announcing the Ohio Task Force on Community-Police Relations

○ Bellbrook Police Department firmly believes in the Ohio Collaborative and the benefits it can provide to the Bellbrook community. BPD meets or exceeds the following OCLEAC standards:

- *Safe Policing for Safe Communities – a standard outlined in Pres. Trump's Executive Order 13929*
- *Use of Force*
- *Recruitment and Hiring*
- *Community Engagement*
- *Body Worn Camera Systems*
- *Bias-Free Policing*
- *Investigation of Employee Misconduct*

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## Ohio Collaborative Community Police Advisory Board (OCLEAC – continued)

- In 2021, it is planned that Bellbrook PD will submit policies for adjudication in *Vehicular Pursuit Procedures* as well as policy covering *Crowd / Riot Control and Response to Demonstrations*.
- *Bellbrook PD will continue to follow policy and procedure guidance and certification process through OCLEAC. This helps our agency deliver the highest quality police services to the citizens of Bellbrook.*

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## Bias-Based Policing – Traffic Stop Data

- In 2020, BPD received accreditation from the Ohio Collaborative Law Enforcement Agency Certification (OCLEAC) for its compliance to Bias-Free Policing standards and statistical reporting.
- Beginning mid-year in 2020, BPD began tracking race statistics as one of the many requirements in the OCLEAC standard. Below are partial-year statistics for Bias-Free Policing and traffic stop incidents:

<b><i>Race</i></b>	<b><i>Number of Interactions</i></b>
Black	46
Asian	10
American Indian	0
White or Hispanic	558

In the 2020 calendar year, Bellbrook PD had 768 incidents involving traffic-related occurrences.

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## Use of Force Analysis

○ In 2020, Bellbrook Officers used force two (2) times—the use of Taser and firearm were for the same incident as summarized below. Each Use of Force is reviewed by the Shift Sergeant and Captain to make sure each instance is justified. This incident was found to be justified. The following shows what force was used:

<u>Type of Force</u>	<u># of Times Used</u>
Use of Physical Force (Hands on)	0
Chemical Aerosol (O.C. Spray)	0
Baton (ASP)	0
Taser	2
Firearm	1*

*\*Firearm was used against charging dog – animal was not struck.*

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## Staffing

### New Hires

Part-time Officer - Kevin Long  
Administrative Assistant - Christine Florea

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# RECORD OF ORDINANCES

Ordinance No. 2021-3

March 8, 2021

## City of Bellbrook

### Ordinance No. 2021-3

#### **An Ordinance Amending Ordinance 2020-13 to Adjust the City of Bellbrook Appropriations for 2021.**

WHEREAS, the City of Bellbrook adopted the 2021 annual budget based on the best information available at the time; and

WHEREAS, additional costs will occur in some line items associated with the incorporation of the 2021 Capital Budget which requires the amendment of various appropriation levels.

#### **Now, Therefore, the City of Bellbrook Hereby Ordains:**

Section 1. That the 2021 appropriation levels in several of the funds listed below be amended as follows:

<b>Fund</b>	<b>2021 Appropriations</b>	<b>Personnel Services Revisions</b>	<b>Other Expenses Revisions</b>	<b>Total Revisions</b>	<b>Amended 2021 Appropriations</b>
General Fund:					
-Legislative	\$ 83,648	\$ -	\$ -	\$ -	\$ 83,648
-Administrative	\$ 899,996	\$ -	\$ -	\$ -	\$ 899,996
-Library	\$ 2,000	\$ -	\$ -	\$ -	\$ 2,000
-Museum	\$ 19,728	\$ -	\$ -	\$ -	\$ 19,728
-Community Environment	\$ 60,529	\$ -	\$ -	\$ -	\$ 60,529
Total General Fund	\$ 1,065,901	\$ -	\$ -	\$ -	\$ 1,065,901
Police Fund	\$ 1,858,190	\$ -	\$ -	\$ -	\$ 1,858,190
Police Pension Fund	\$ 60,590	\$ -	\$ -	\$ -	\$ 60,590
Fire Fund	\$ 1,506,121	\$ -	\$ -	\$ -	\$ 1,506,121
Street Fund	\$ 414,564	\$ -	\$ 50,000	\$ 50,000	\$ 464,564
State Highway Fund	\$ 19,750	\$ -	\$ -	\$ -	\$ 19,750
Motor Vehicle Fund	\$ 13,850	\$ -	\$ -	\$ -	\$ 13,850
Waste Fund	\$ 483,500	\$ -	\$ -	\$ -	\$ 483,500
Water Fund	\$ 1,401,418	\$ -	\$ 189,500	\$ 189,500	\$ 1,590,918
Capital Imp Fund	\$ -	\$ -	\$ 335,500	\$ 335,500	\$ 335,500
Cornonavirus Relief	\$ -	\$ -	\$ -	\$ -	\$ -
Fuel System Fund	\$ 1,200	\$ -	\$ -	\$ -	\$ 1,200
Performance Bond Fund	\$ 15,000	\$ -	\$ -	\$ -	\$ 15,000
Grand Total - All Funds	\$ 6,840,084	\$ -	\$ 575,000	\$ 575,000	\$ 7,415,084

# RECORD OF ORDINANCES

Ordinance No. 2021-3

March 8, 2021

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

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

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Michael W. Schweller, Mayor

ATTEST:

\_\_\_\_\_  
Pamela Timmons, Clerk of Council

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

2021-2025 Capital Improvement Plan

Project Description	2021	2022	2023	2024	2025	TOTALS
<b>STREET FUND</b>						
I&F Portion of paving	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 250,000
V&E Street Sweeper (50% of total)			\$ 87,500			\$ 87,500
V&E Backhoe Replacement (35% of total)		\$ 45,500				\$ 45,500
V&E Utility Vehicle with plow (35% of total)			\$ 8,750			\$ 8,750
V&E One ton dump w/ snow removal equipment (35% of total)					\$ 29,750	\$ 29,750
<b>TOTAL STREET FUND</b>	<b>\$ 50,000</b>	<b>\$ 95,500</b>	<b>\$ 146,250</b>	<b>\$ 50,000</b>	<b>\$ 79,750</b>	<b>\$ 421,500</b>
<b>CAPITAL IMPROVEMENT FUND</b>						
<b>12 Administration</b>						
V&E Police, Fire & Admin Workstations	\$ 7,000	\$ 15,000	\$ 12,000	\$ 15,000	\$ 7,000	\$ 56,000
V&E Fuel System Upgrade		\$ 1,500				\$ 1,500
<b>Total Administration</b>	<b>\$ 7,000</b>	<b>\$ 16,500</b>	<b>\$ 12,000</b>	<b>\$ 15,000</b>	<b>\$ 7,000</b>	<b>\$ 57,500</b>
<b>21 Service</b>						
I&F Annual Street Repair	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 750,000
I&F Annual culvert relining (Crescent Ct in 2020)	\$ 30,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 230,000
I&F Franklin Street Pedestrian Improvements		\$ 235,000				\$ 235,000
I&F Downtown street lighting project - 4 phases		\$ 65,000	\$ 65,000	\$ 65,000		\$ 195,000
I&F Crosswalk Installations (725, Main and Little Sugarcre)	\$ 25,000	\$ 25,000	\$ 25,000			\$ 75,000
V&E Street Sweeper (50% of total)			\$ 87,500			\$ 87,500
V&E Utility Vehicle with plow (35% of total)			\$ 8,750			\$ 8,750
<b>Total Service</b>	<b>\$ 205,000</b>	<b>\$ 525,000</b>	<b>\$ 386,250</b>	<b>\$ 265,000</b>	<b>\$ 200,000</b>	<b>\$ 1,581,250</b>

2021-2025 Capital Improvement Plan

Project Description		2021	2022	2023	2024	2025	TOTALS
<b>23</b>	<b>Police</b>						
V&E	Cruisers	\$ 66,000		\$ 68,000			\$ 134,000
V&E	Equipment for Cruisers	\$ 33,000		\$ 35,000			\$ 68,000
V&E	Weapons (guns and tasers)	\$ 8,000	\$ 2,000	\$ 5,000	\$ 10,000	\$ 2,000	\$ 27,000
V&E	Portable & Mobile Radios	\$ 6,000	\$ 6,000		\$ 10,000		\$ 22,000
V&E	Speed Monitoring Equipment	\$ 2,500	\$ 2,500		\$ 2,500		\$ 7,500
V&E	Furniture & Fixes	\$ 2,500	\$ 1,000	\$ 1,000	\$ 1,000		\$ 5,500
V&E	AED's		\$ 4,000				\$ 4,000
V&E	New records management software		\$ 8,000				\$ 8,000
	<b>Total Police</b>	<b>\$ 118,000</b>	<b>\$ 23,500</b>	<b>\$ 109,000</b>	<b>\$ 23,500</b>	<b>\$ 2,000</b>	<b>\$ 276,000</b>
<b>25</b>	<b>Fire</b>						
V&E	Command/Staff Vehicle			\$ 50,000			\$ 50,000
V&E	Cardiac Monitors			\$ 70,000			\$ 70,000
V&E	AED's			\$ 15,000			\$ 15,000
V&E	Self-loading cots		\$ 60,000				\$ 60,000
V&E	Portable and Mobile Radios	\$ 3,000	\$ 25,000	\$ 25,000			\$ 53,000
V&E	Furniture & Fixes	\$ 2,500					\$ 2,500
V&E	Replace Medic 21		\$ 200,000				\$ 200,000
V&E	Replace Medic 22				\$ 200,000		\$ 200,000
V&E	4 MDT's					\$ 25,000	\$ 25,000
V&E	Ladder/Engine				\$ 850,000		\$ 850,000
	<b>Total Fire</b>	<b>\$ 5,500</b>	<b>\$ 285,000</b>	<b>\$ 160,000</b>	<b>\$ 1,050,000</b>	<b>\$ 25,000</b>	<b>\$ 1,525,500</b>
<b>TOTAL CAPITAL IMPROVEMENT FUND</b>		<b>\$ 335,500</b>	<b>\$ 850,000</b>	<b>\$ 667,250</b>	<b>\$ 1,353,500</b>	<b>\$ 234,000</b>	<b>\$ 3,440,250</b>



2021-2025 Capital Improvement Plan

Project Description	2021	2022	2023	2024	2025	TOTALS
<b>WATER FUND</b>						
I&F Fire Hydrant Replacement Program		\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 120,000
I&F Bledsoe Drive Water Tower Exterior Painting	\$ 165,000					\$ 165,000
I&F Well Related Projects	\$ 10,000					\$ 10,000
I&F Beacon meter reading software upgrade	\$ 14,500					\$ 14,500
V&E Backhoe Replacement (65% of total)		\$ 84,500				\$ 84,500
V&E Pickup Truck					\$ 40,000	\$ 40,000
V&E Utility Vehicle with plow (65% of total)			\$ 16,250			\$ 16,250
V&E One ton dump w/ snow removal equipment (65% of total)					\$ 55,250	\$ 55,250
Future projects to be estimated: Fiber line to well field and water main replacement projects						
<b>TOTAL WATER FUND</b>	<b>\$ 189,500</b>	<b>\$ 114,500</b>	<b>\$ 46,250</b>	<b>\$ 30,000</b>	<b>\$ 125,250</b>	<b>\$ 505,500</b>
<b>TOTAL ALL FUNDS</b>	<b>\$ 575,000</b>	<b>\$1,060,000</b>	<b>\$ 859,750</b>	<b>\$1,433,500</b>	<b>\$439,000</b>	<b>\$ 4,367,250</b>



# RECORD OF RESOLUTIONS

Resolution No. 2021-E

February 8, 2021

## City of Bellbrook

### Resolution No. 2021-E

#### **A Resolution Authorizing the City Manager to Enter into an Agreement with the Sable Ridge Owner's Association for Gate Maintenance.**

WHEREAS, on February 24, 2000, Ordinance 2000-1 approved a major change to the Sable Ridge Subdivision; and

WHEREAS, among the changes to the plan for the development included the construction of a gate dividing Kensington Drive and the Sable Ridge subdivision; and

WHEREAS, upon adoption of the major change to the subdivision, the ownership and maintenance of the gate was not recorded on the record plan; and

WHEREAS, the City of Bellbrook wishes to maintain ownership of the gate with the Sable Ridge Owner's Association accepting responsibility for maintenance and repair of the gate; and

WHEREAS, both parties have agreed to outline the terms of the agreement for clear understanding of responsibility of the gate from this day forward.

#### **Now, Therefore, the City of Bellbrook Hereby Resolves That:**

Section 1. The Bellbrook City Council hereby authorizes the City Manager to act as a signatory on their behalf and enter into an agreement with the Sable Ridge Owner's Association for gate maintenance.

Section 2. That this resolution shall take effect and be in force forthwith.

---

Michael W. Schweller, Mayor

ATTEST:

---

Pamela Timmons, Clerk of Council



## LICENSE AGREEMENT

**THIS LICENSE AGREEMENT** (this “Agreement”), is made this \_\_\_ day of February, 2021, by and between the City of Bellbrook, Ohio, a municipal corporation (“Licensor”), and the Sable Ridge Owners Association, Inc., an Ohio non-profit corporation (“Licensee”).

1. **SPACE.** Licensor owns an access gate and emergency access road connecting Sable Ridge Drive and Kensington Drive. Licensee desires to utilize and maintain the access gate, as depicted on attached Exhibit A and marked as “Gate” (the “Gate”), for the sole purpose of operating the Gate as an emergency access point (the “Licensed Activity”) and for no other purpose without the prior written consent of Licensor, and Licensor is willing to license the use of the Gate to Licensee for the Licensed Activity, subject to the terms and conditions of this Agreement.

2. **GRANT OF LICENSE.** Licensor hereby grants to Licensee a license to use the Gate for the Licensed Activity (the “License”), at times and days as mutually agreed upon by the parties from time to time, on the terms and conditions provided herein, and on a year-to-year basis (the “License Term”), provided, however, the License Term may be terminated by either party with 30 days prior written notice.

3. **CONDITIONS OF USE.** In connection with its use and operation and maintenance of the Gate, Licensee:

(a) will not use, nor permit others to use, the Gate for any illegal purpose or violate any statute, regulation, rule or order of any governmental body, nor create or allow to exist any nuisance or trespasses, nor do, nor allow others to do, any act in or about the Space or bring anything onto or into the Space, which will in any way increase the rate of insurance on the Space nor deface or injure the Space;

(b) at its sole expense, will comply with all statutes, regulations, rules and ordinances and orders of any governmental body, department or agency thereof pertaining to Licensee’s use of the Gate and the Licensed Activity;

(c) will abide by the rules and regulations regarding the Gate now or hereafter established by Licensor from time to time;

(d) will allow Licensor and its agents, employees and contractors to at all times access the Gate in order to inspect the same at such times as Licensor deems reasonably necessary;

(e) will take sufficient care of the Gate to keep it in good condition and suitable for the Licensed Activity, and to keep the surroundings in and about the Gate clean and free from waste. Without limiting the foregoing, Licensee shall be responsible, at Licensee’s sole cost and expense, for all maintenance, repair and replacement to the Gate during the Term and upon the expiration of the Term for restoring the Gate to the same condition as existed on the Effective Date, including without limitation, repairing any damage caused to the Gate. Maintenance may include, but is not limited to the following:

- (i) Replacing batteries necessary for operation of Gate during power outages if battery power is enabled;
- (ii) Lubrication of parts per manufacturer’s specifications; and
- (iii) Maintaining the rapid entry device;

- (f) will ensure that the Licensor and any of its representatives and agents will continue to have the ability to access/open the gate using the rapid entry devices that are already in their possession and listed as an attachment (Exhibit B);
- (g) will keep the Gate open if the rapid entry device is not operating;
- (h) will not use, or permit others to use, the Gate for any purpose other than the Licensed Activity;
- (i) will maintain service and maintenance records subject to review at the request of the Licensor;
- (j) will not alter or place improvements, modifications, decorations or signs on the Gate without the prior written consent of Licensor, which consent may be withheld in Licensor's sole discretion;
- (k) shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with Licensee's use of the Gate, as follows:
  - (i) **Commercial General Liability (CGL)** at least as broad as Insurance Services Office (ISO) Form CG 00 01 covering CGL on an "occurrence" basis, including contractual liability, with limits no less than \$1,000,000 per occurrence, \$2,000,000 aggregate for bodily injury, property damage, personal & advertising injury.
  - (ii) **Additional Insureds:** The policies are to cover or be endorsed to cover the Licensor, its officials, employees, agents and volunteers as Additional Insureds.
  - (iii) **Primary Coverage:** For claims related to this project, the Licensee's insurance coverage shall be primary and non-contributing as respects the Licensor, its officials, employees, agents and volunteers.
  - (iv) **Acceptability of Insurers:** Insurance is to be placed with insurers with a current A.M. Best rating of no less than A:VII, unless otherwise acceptable to the Licensor.
  - (v) **Verification of Coverage:** The Licensee shall furnish the Licensor with a **Certificate of Insurance** verifying compliance with these specifications upon execution of this Agreement and each July 1 during the term of the Agreement. The Licensor reserves the right to require complete, certified copies of all required insurance policies, including endorsements, required by these specifications, at any time.

- (vi) **Non-renewal, Cancellation, or Material Change of Coverage:** Each insurance policy required above shall state that coverage shall not be cancelled, except with notice to the Licensor. If the Licensee receives a non-renewal or cancellation notice from an insurance carrier providing coverage required herein, or receives notice that coverage no longer complies with the requirements herein, **Licensee agrees to notify the Licensor** by fax or email within five (5) business days with a copy of the non-renewal or cancellation notice, or written explanation of how coverage is no longer in compliance. If Licensee fails to carry insurance in compliance with these specifications, Licensor may obtain such insurance and collect the cost thereof from the Licensee.
  
- (vii) **Workers Compensation** coverage as required by the State of Ohio (if Licensee has employees). Licensee shall furnish the Licensor one (1) unaltered copy of the official certificate of the Ohio Industrial Commission indicating that Licensee has paid the premiums required under the Ohio Workers' Compensation Act evidencing that these workers are covered by Workers' Compensation during the Agreement term.

(l) shall indemnify and hold harmless Licensor and Licensor's officers, agents, employees, successors, and assigns (collectively, the "Licensor Parties") from and against any and all claims, losses and/or damages arising from Licensee's use of the Gate, or from the conduct of Licensee's business or from any activity, work, or things done, permitted, or suffered by Licensee in, on, or about the Gate or elsewhere, and shall further indemnify and hold harmless all Licensor Parties from and against any and all claims arising from any breach or default in the performance of any obligation on Licensee's part to be performed under the terms of this Agreement, from and against all costs, attorneys' fees, expenses, and liabilities incurred in the defense of any such claim or any action or proceeding brought thereon; and in case any action or proceeding shall be brought against Licensor by reason of any such claim, Licensee, upon notice from Licensor, shall defend the same at Licensee's expense by counsel satisfactory to Licensor. Licensee, as a material part of the consideration to Licensor, hereby assumes all risk of damages to property or injury to persons, in, on, or about the Premises arising from any cause, and Licensee hereby waives all claims in respect thereof against any Licensor Parties. Licensee hereby releases and relieves the Licensor and waives Licensee's entire right of recovery against the Licensor for loss or damage arising out of or incident to the perils insured against, or required to be insured against, under this Section 3, which perils occur in, on, or about the Gate, whether due to the negligence of Licensor or Licensee, or any of their agents, employees, contractors, and/or invitees. Licensee shall, upon obtaining the policies of insurance required hereunder, give notice to the insurance carrier or carriers that the foregoing waiver of subrogation is contained in this Agreement.

#### 4. **SERVICES PROVIDED.**

- (a) In connection with Licensee's use of the Space, Licensor will provide Licensee with the following services during the License Term:
  - (i) will provide electricity to operate the gate at no cost to licensee.

(b) Licensor will not be liable to Licensee in any manner whatsoever for failure to furnish or delay in furnishing any service or services provided for in this Agreement and no such failure or delay will operate to relieve Licensee from the prompt and punctual performance of each and all the covenants to be performed herein by Licensee. Licensor will not be liable to Licensee for the theft, mysterious disappearance, or loss of any property of Licensee or its agents, employees, contractors, licensees or invitees whether from the Gate or any part of the surrounding property owned by Licensor. Licensor agrees to make reasonable efforts to protect Licensee from interference or disturbance by third persons; provided, however, Licensor will not be liable, and Licensee will not be relieved from its obligations hereunder, for any such interference or disturbance.

5. **NOTICES.** Any notice, demand or other communication which either party may wish or be required to give to the other hereunder shall only be effective if in writing and mailed or emailed addressed as follows:

To Licensor:                   City of Bellbrook  
  Attn: City Manager  
  15 East Franklin Street  
  Bellbrook, Ohio 45305  
  [m.dodd@cityofbellbrook.org](mailto:m.dodd@cityofbellbrook.org)

With a copy to:               Coolidge Wall Co., L.P.A.  
  Attn: Stephen M. McHugh, Esq.  
  33 West First Street, Suite 200  
  Dayton, Ohio 45402

To Licensee:                   Sable Ridge Owners Association, Inc.  
  Attn: Timothy Tye  
  5975 Kentshire Drive  
  Dayton, Ohio 45440

Each such notice, demand or other communication shall be deemed given on the date when actually received or refused if delivered by hand or by overnight courier. Either party may, by notice in writing, direct that further notices, demands or other communications be sent to a different party and/or to a different address.

6. **DEFAULT.** Should Licensee:

(a) fail to maintain insurance required hereunder; or

(b) violate and/or fail to perform or otherwise break any covenant or agreement herein contained, then Licensor may terminate this License by giving written notice thereof to Licensee and Licensor shall have the right to recover from Licensee the Gate, with or without the process of law, and remove all of Licensee's personal property from the Gate at Licensee's sole cost and expense. All of the remedies available to Licensor under this Agreement, and all rights and remedies available at law or in equity, shall be cumulative and concurrent.



7. **MISCELLANEOUS.**

(a) Licensors are not, and will in no manner or respect be considered, a sponsor, partner, joint venturer, employer or principal of Licensee.

(b) The License granted herein is personal to Licensee, and accordingly, Licensee may not assign this Agreement or encumber, mortgage or sublet any part of the Gate or any interest hereunder. This Agreement may not be modified or amended except by a written instrument executed by both Licensors and Licensee.

(c) The provisions of this Agreement will insure to the benefit of and be binding upon Licensors and Licensee, and their respective successors, heirs, legal representatives and assigns, subject, however, to the conditions and limitations set forth herein.

(d) The License granted herein is not coupled with an interest in the Gate or the emergency access road connecting Sable Ridge Drive and Kensington Drive, and Licensee will have no vested interest in the emergency access road connecting Sable Ridge Drive and Kensington Drive or the Gate.

(e) The laws of the State of Ohio will govern the interpretation, validity, performance and enforcement of this Agreement.

(f) The obligations of Licensors and its liability, if any, to Licensee with respect to this Agreement will be limited solely to its interest in the Space, and neither Licensors nor any officers, agents, employees, successors, and assigns of Licensors will have personal liability whatsoever with respect to this Agreement.

(g) This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, and all such counterparts shall together constitute one and the same instrument. Counterparts of this Agreement delivered by facsimile, pdf or other electronic means shall be deemed to be original counterparts for the purpose of this Agreement.

*[Signature Page to Follow]*

**IN WITNESS WHEREOF**, Licensor and Licensee have executed this Agreement as of the date first above written.

**LICENSEE:**

**Sable Ridge Owners Association, Inc.**,  
an Ohio non-profit corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**LICENSOR:**

**City of Bellbrook**,  
an Ohio municipal corporation

By: \_\_\_\_\_

Name: Melissa Dodd \_\_\_\_\_

Title: City Manager \_\_\_\_\_



## EXHIBIT B

List of Entry Devices to Sable Ridge Gate at Kensington Drive in possession of the City of Bellbrook

- Service Department has two (2) gate openers and keys to the electric box
- Fire Department has seven (7) gate openers
- Police Department has seven (7) gate openers



# COOLIDGE WALL

*A Legal Professional Association*

Jonas J. Gruenberg  
Merle F. Wilberding  
J. Stephen Herbert  
R. Scott Blackburn  
Sam Warwar  
Terence L. Fague  
Richard A. Talda  
David C. Korte  
Stephen M. McHugh  
Douglas M. Ventura  
Kristin A. Finch  
David P. Pierce  
Shannon L. Costello  
Christopher R. Conard  
Marc L. Fleischauer  
Michelle D. Bach  
Gregory M. Ewers  
Daniel J. Gentry  
Chad D. Hansen  
R. Michael Osborn  
Patricia J. Friesinger  
Joshua R. Lounsbury  
Michael G. Leesman  
W. Chip Herin III  
Jeffrey A. Winwood  
Lu Ann Stanley  
Tino M. Monaldo  
Edie E. Crump  
Erica L. Glass  
Patrick Martin  
Benjamin A. Mazer  
Thomas W. Langevin  
Robert D. Ballinger  
Zachary B. White  
Ashley E. Warwar  
Jason D. Norwood

Richard A. Schwartz  
William H. Seall  
*Of Counsel*

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1886-1965

Hugh E. Wall, Jr.  
1912-2001

Ronald S. Pretekin  
1942-2011

C. Mark Kingseed  
1954-2018

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937-223-8177  
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Direct Dial Number  
937-449-5544

E-mail Address:  
mchugh@coollaw.com

February 12, 2021

Ms. Melissa Dodd, City Manager  
City of Bellbrook  
15 East Franklin Street  
Bellbrook, OH 45305

Re: Potential Liability related to the access gate connecting Sable Ridge Drive and Kensington Drive

Dear Ms. Dodd:

During the February 8, 2021 City Council meeting, Council Member Havens raised a concern that the City may have liability if the emergency access gate connecting Sable Ridge Drive and Kensington Drive fails to operate when needed and this failure delays the fire or police departments' response to an emergency.

First, while it is impossible to prevent someone from filing a lawsuit against the City, I believe the City would be immune from liability in the scenarios raised by Council Member Havens. Pursuant Chapter 2744 of the Revised Code, cities are generally not liable in an action for injury, death or loss to person or property caused by an act or omission of the city or by an employee of the city.

There are several exceptions to the sovereign immunity statute. I do not believe any of those exceptions apply to this matter. The closest exception is for negligent failure to keep "public roads" in repair and other negligent failure to remove obstructions from "public roads." However, this exception applies only to the traveled portion of the road. The focus is on whether a condition exists within the City's control that creates a danger for ordinary traffic on the regularly travelled portion of the road. The emergency access road is not traveled by the public and, therefore, I do not believe it would be considered a "public road" for purpose of this analysis.

Second, as you know, the License Agreement requires that the Sable Ridge Owners Association carry commercial general liability and property damage insurance. You confirmed that the scenario raised by Council Member Havens would be covered by that policy. Therefore, if liability is found, the City would be covered by the insurance

# COOLIDGE WALL

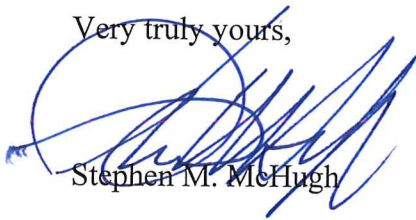
*A Legal Professional Association*

Ms. Melissa Dodd, City Manager  
February 12, 2021  
Page 2

policy.

In summary, while a person could sue the City, it is my opinion the City has a defense under Chapter 2744. Please let me know if you have any questions or concerns related to this matter. As always, it is my pleasure to assist the City.

Very truly yours,



Stephen M. McHugh

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# RECORD OF RESOLUTIONS

Resolution No. 2021-G

February 22, 2021

## City of Bellbrook

### Resolution No. 2021-G

#### **A Resolution Authorizing Michael W. Schweller, Mayor of the City of Bellbrook, to Enter into an Amended Employment Agreement with Melissa J. Dodd, City Manager/Finance Director.**

WHEREAS, City Council conducts an annual performance and compensation review of the City Manager; and

WHEREAS, City Council conducted such a review during an executive session on February 8, 2021; and

WHEREAS, as a result of the review conducted, the Council of the City of Bellbrook and Melissa J. Dodd desire to amend their written employment agreement, and

WHEREAS, it is required that the Council of the City of Bellbrook, pursuant to Article VI, Section 6.01 of the Bellbrook Charter, shall appoint a City Manager by a majority vote of its Members and fix his or her compensation.

#### **Now, Therefore, the City of Bellbrook Hereby Resolves:**

Section 1. Michael W. Schweller, as Mayor of the City of Bellbrook, is hereby authorized to execute an amended employment agreement, attached hereto, with Melissa J. Dodd on behalf of the City of Bellbrook.

Section 2. That the annual base salary of Melissa J. Dodd be increased by 4.191%.

Section 3. That Melissa J. Dodd is granted a bonus in the amount of 8% of the previous base salary, as permitted in the amended employment agreement.

Section 3. That this resolution shall take effect and be in force forthwith.

Passed this 22<sup>nd</sup> day of February 2021.

\_\_\_\_\_  
Michael W. Schweller, Mayor

ATTEST:

\_\_\_\_\_  
Pamela Timmons, Clerk of Council





### **Employment Agreement**

This Agreement is made this ~~1<sup>st</sup>-22<sup>nd</sup>~~ day of ~~January-February~~ 2021~~0~~ in the City of Bellbrook, County of Greene and State of Ohio between the City of Bellbrook, Ohio, a municipal corporation, hereinafter referred to as “the City” and Melissa J. Dodd, hereinafter referred to as “Dodd.” This Agreement is made and entered into pursuant to the Charter of the City of Bellbrook, Ohio.

### **RECITALS**

WHEREAS, on April 9, 2018, the Council of the City of Bellbrook having, by a majority of the vote, appointed Dodd as City Manager/Finance Director pursuant to Section 6.01 of the Charter of the City of Bellbrook, Ohio; and

WHEREAS, Dodd has continued to serve the City as City Manager/Finance Director and perform all of the powers and duties of that position since Dodd’s original date of appointment; and

WHEREAS, the City wishes to continue to employ Dodd as the City Manager/Finance Director of the City as provided by the City Charter; and

WHEREAS, Dodd has expressed the desire and willingness to continue in her capacity as City Manager/Finance Director and perform all of the powers and duties as contained in Section 6.03 of the Charter of the City of Bellbrook, Ohio and;

WHEREAS, in consideration of the mutual covenants and promises of the parties hereto, the City and Dodd covenant and agree to renew Dodd’s Agreement with the City and establish certain conditions of employment and provide certain benefits as follows:

#### **Section 1: Nature of Appointment**

The City does hereby appoint, engage and renew Dodd’s Agreement with the City to continue to serve as City Manager/Finance Director. Dodd shall administer the affairs of the City and perform all of the duties as outlined in Section 6.03 of the Charter of the City of Bellbrook, Ohio and Dodd does hereby accept her continued appointment as City Manager/Finance Director.

#### **Section 3: Economic Package and Review**

The City agrees that it will adopt a resolution pursuant to Section 5.01 of the Charter of the City of Bellbrook, Ohio setting Dodd’s base salary at ~~\$105,575~~\$110,000 effective January 1, 202~~0~~1. Payment of this salary shall be made in installments on a biweekly basis, the same as other employees of the City.

Council shall conduct an annual evaluation on Dodd’s performance. Council shall conduct this annual performance evaluation no later than January 31<sup>st</sup> of each year. With each annual evaluation that is deemed satisfactory, the City shall set Dodd’s base salary and consider paying an annual merit bonus based on performance. Dodd’s salary shall not be reduced during the term of this Agreement except by mutual written agreement.

In addition, Dodd shall receive a yearly car allowance in the amount of \$4,800 per year subject to increase. This allowance shall be made in installments on a biweekly basis.

#### **Section 4: Fringe Benefits and Residency**

Health Insurance – Dodd shall be entitled to the same health insurance policy as other City employees. If Dodd chooses not to take the medical insurance coverage, the City will pay Dodd \$7,000 for each year where coverage is not taken. These payments shall be paid on a bi-weekly basis.

Vacation leave – The City grants Dodd four weeks (160 hours) of vacation at the beginning of this Agreement. Dodd shall accrue four weeks annually on her employment anniversary date. After five years of service with the City, Dodd shall receive five weeks (200 hours) of vacation annually. Dodd will be subject to the vacation carryover provisions established in the Personnel Manual.

Sick leave – The City shall permit Dodd to transfer her unused accumulated sick leave credits, not to exceed 250 hours, from her prior employment with the Village of Yellow Springs to the City of Bellbrook.

Miscellaneous benefits – The City agrees that Dodd shall be entitled to the same normal miscellaneous fringe benefits which are extended to other City employees.

Residency – The City agrees to waive a residency requirement of Dodd.

#### **Section 5: Professional Dues, Education and Professional Liability Coverage**

The City agrees to pay the professional dues, continuing educational courses, membership fees and subscription fees of Dodd for her participation in reasonable and relevant organizations such as the International City/County Management Association (ICMA), Government Finance Officers Association (GFOA), Ohio City/County Management Association (OCMA), or the Ohio GFOA.

Any travel expenses shall be covered as outlined in the City's Personnel Manual.

The City agrees to provide Dodd with Employee Practices and Public Officials Liability Insurance protection against professional liability claims other than those which arise through willful misconduct or willful violation of the law.

#### **Section 6: Removal and Termination**

The City may remove Dodd and terminate this Agreement at any time for just cause, defined, but not limited to the following:

- a) An illegal act involving personal gain to the City Manager
- b) Insubordination or willful refusal to follow the policy or lawful directives of the Council
- c) Insubordination or willful refusal to follow the Charter, Ordinances or Resolutions of the City of Bellbrook
- d) Conviction of any crime involving moral turpitude
- e) Willful neglect of duty
- f) Dishonesty in Office
- g) Breach of confidentiality of sensitive City business.

This Agreement may be terminated by either party giving sixty (60) days written notice of termination to the other party. The City may terminate Dodd as City Manager by motion with an affirmative vote of a majority of all members of Council pursuant to Section 6.04 of the Charter of the City of Bellbrook.

If the City should terminate this Agreement, Dodd shall be entitled to the continuation of the payment of her salary and all other benefits set forth in the Agreement for a period of six (6) months.

Should Dodd choose to terminate her employment with the City; she shall provide the City with sixty (60) days written notice.

**Section 7: Effective Date and Binding Effect**

This Agreement shall be effective January 1, 202~~0~~<sup>1</sup>.

This Agreement shall be binding on and shall inure to the benefit of any successor or successors of the City and personal representatives of Dodd and shall continue until terminated.

In **WITNESS WHEREOF** the parties have executed this Agreement at Bellbrook, Ohio on the this ~~22<sup>nd</sup>~~<sup>22<sup>nd</sup></sup> day of ~~January 2020~~<sup>February 2021</sup>.

Formatted: Superscript

Witnesses:

CITY OF BELLBROOK

\_\_\_\_\_

By:

\_\_\_\_\_

Michael W. Schweller, Mayor

\_\_\_\_\_

\_\_\_\_\_

Melissa J. Dodd, City Manager

Approved as to form, consistency  
with existing ordinances, the  
charter & constitutional provisions  
Stephen M. McHugh, Municipal Attorney



**To:** Mayor & City Council  
**From:** Melissa Dodd, City Manager  
**Date:** February 19, 2021  
**Subject:** City Manager Update

---

- **Police Annual Report**– Tonight Police Chief Doug Doherty will be delivering his department’s annual report. Council will have an abbreviated presentation in the packet and the full report is on the PD’s website and can be viewed here – <http://www.cityofbellbrook.org/upload/page/0117/2020%20Annual%20Report.pdf>
- **Salt Supply Update** – This winter the City has used 491 tons of salt and the schools, who get salt from us, have used 104 tons for a total of 595 tons used. We have 250 tons in stock now with another 300 tons ordered on February 18<sup>th</sup> which we should receive in a few weeks.
- **Community Leaders Meeting** – The joint meeting between City, Township, Parks District and School District has been set for **Monday, March 22, 2021 from 5:30pm to 6:30pm**. Depending on the number of Council participants this can either be a full work session if 4 or more are present or fewer than 4 can participate without needing to be a work session. Either way the session will be open to the public and able to be viewed via Zoom.
- **Council Committee Meetings** – I am working to get Council committee meetings set up for each of the committees to review their respective goals and plan to move forward. Each Council committee member receive a Doodle poll on the 18<sup>th</sup> to select their availability.
- **High-Level Goals Update** – We had a high-level goals updated penciled in for the March 8<sup>th</sup> meeting. I would like for this to occur at the second meeting in March, on the 22<sup>nd</sup> so that the various Council committees have the ability to meet and discuss their respective goals for a better update.
- **Planning and Zoning Year End Report** – We plan to have a year end report on Planning and Zoning efforts at the March 22<sup>nd</sup> meeting also.
- **RFP for Streetscape Design**- An RFP for downtown streetscape design has been put out. Responses are to be received by March 19. The RFP can be found on the city’s home page. This will enable us to have a cohesive plan to be able to budget downtown improvements.