

RECORD OF PROCEEDINGS
Minutes of Bellbrook City Council Regular Meeting
April 12, 2021

Due to the COVID-19 pandemic the April 12, 2021 City Council Meeting was conducted using Zoom's remote webinar platform.

PRESENT: TJ Hoke
Dr. Van Veldhuizen
Forrest Greenwood
Elaine Middlestetter (joined at 7:20 due to technical difficulties)
Mayor Mike Schweller

ALSO PRESENT: City Manager Melissa Dodd

REGULAR MEETING

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

ROLL CALL

Mr. Hoke, yes; Dr. Van Veldhuizen; Mr. Greenwood, yes; Mayor Schweller, yes.

Mr. Greenwood made a motion to excuse Mr. Havens from the meeting. Dr. Van Veldhuizen seconded the motion. All were in favor. The motion passed 4-0.

Mr. Hoke made a motion to excuse Mr. Edwards from the meeting. Dr. Van Veldhuizen seconded the motion. All were in favor. The motion passed 4-0.

CHANGE TO ORDER OF BUSINESS

Mayor Schweller explained that the order of business should be changed to allow the City Manager to explain the details concerning two of the Resolutions on the agenda.

APPROVAL OF MINUTES

Mayor Schweller asked if anyone had any comments or corrections to the minutes of March 22. Hearing none he declared the minutes approved.

MAYOR'S ANNOUNCEMENTS

- Oaths of Office

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Mitchell Thompson was sworn in as a member of the Planning Board for a second term of five years.

PUBLIC HEARING OF ORDINANCES

Dr. Van Veldhuizen read **Ordinance 2021-4 An Ordinance Amending Ordinance 2021-3 to Adjust the City of Bellbrook Appropriations for 2021.**

The City Manager explained the two line-items that were added. The first is \$12,950 for the engineering work to create the estimates for the sidewalk and cross walk connections. The second is \$18,000 under the motor vehicle fund also known as the permissive tax fund which encompasses five of Bellbrook's streets including Little Sugarcreek Road. This additional money will be used for the additional borings needed on the road to complete the study.

Dr. Van Veldhuizen made a motion to adopt **Ordinance 2021-4 An Ordinance Amending Ordinance 2021-3 to Adjust the City of Bellbrook Appropriations for 2021.** Mr. Greenwood seconded the motion. The Clerk called the roll. Dr. Van Veldhuizen, yes; Mr. Greenwood, yes; Mr. Hoke, yes; Mayor Schweller, yes. The motion passed 4-0.

INTRODUCTION OF ORDINANCES - none

NEW BUSINESS

- 2021 Greene County Municipal Grant

The City Manager explained that in previous years the Commissioners gave out the money. A fact sheet was included that explained changes to the program. The Commissioners like to see the requestor make a dollar match so the City could provide twenty-five percent. She said the City could apply for a grant for one of two projects currently being planned.

- The first is to apply for money to cover the installation cost of the downtown crosswalks and sidewalk additions. This has the higher dollar value but, there is also a possibility of getting a state safety grant to cover this. The preliminary plan will not be complete until April 20 which will not actually allow enough time to complete the application before the Commissioners meet on April 22.

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- The second option is the design cost of the downtown streetscape plan. This expense is non-traditional and not something typically paid for from City money. She believes the City would have a good chance of being awarded a portion of the \$35,000 cost of this project.

- Downtown Streetscape Proposals and Firm Recommendation

The City Manager reported meeting with the Community Affairs Committee on April 5 to review the eight responses to the streetscape design RFP. Streetscape design and implementation is one of the 2021 Council Goals. Scoring criteria included qualifications of vendor, qualifications of personnel, related experience reasonableness of price, and completeness of proposal. Two firms tied for top score with 95 and included the firm with the first and third lowest in price: KZF and Kleinger. Even though the Kleinger proposal was \$10,675 more it stood out due to their personalization. Mr. Hoke also reviewed all of the proposals and agreed that the Kleinger one was impressive. They have worked on projects with Beavercreek and Kettering. Mrs. Dodd added that she reached out to the firm's references who had very good things to say about the company. The Kleinger proposal is split into five phases and would take approximately six months to complete. If the Council votes to enter into this contract, the City Manager would complete the grant application and this along with \$8,875 from the general fund.

Mrs. Middlestetter spoke for the Community Affairs Committee stating they were happy with the Kleingers decision.

Mr. Hoke added that even though he is not on the Committee he had reviewed the proposals and came to the same conclusion.

RESOLUTIONS

Mr. Greenwood read **Resolution 2021-I A Resolution Approving the Consolidation of Lots 53 and 54 into a new lot labeled 53A of the Highview Terrace Subdivision, Section 3.**

Mrs. Dodd explained that the Planning Board approved this lot consolidation March 18, 2021 meeting. The plan is to build a house in the middle of the consolidated lots moving the drainage easements.

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Mr. Greenwood made a motion to adopt **Resolution 2021-I A Resolution Approving the Consolidation of Lots 53 and 54 into a new lot labeled 53A of the Highview Terrace Subdivision, Section 3.** Dr. Van Veldhuizen seconded the motion. The Clerk called the roll. Mr. Greenwood, yes; Dr. Van Veldhuizen, yes; Mr. Hoke, yes; Mrs. Middlestetter, yes; Mayor Schweller, yes. The motion passed 5-0.

Mrs. Middlestetter read **Resolution 2021-J A Resolution to Make a Recommendation to the Court of Common Pleas for the Appointment of Incoming Bellbrook-Sugarcreek Park District Commissioner.**

Mrs. Dodd started with a brief history of the Parks District. The district was established by a petition on August 25, 1970. In 1983 changed names to Bellbrook Sugarcreek Parks District. The following came from the 1983 annual report:

“The city of Bellbrook Park Board, five members, and the Sugarcreek Township Park District, three members, unanimously agreed that both boards could accomplish more if they were united as one. The two boards united under the governing rules of a township park district provided by 511 of the Ohio Revised Code. The city of Bellbrook and the Sugarcreek Township Trustees both fully supported the union. Countless hours were spent on the bylaws written to provide internal working continuity within the new park district. The bylaws included an organizational chart and election procedure for equal representation for the complete area within our control. The Park District unanimously agreed to be called the Bellbrook Sugarcreek Park District.

The city and township both supported the new name and on August 26, 1983 the common pleas court ordered the name to be changed. This was excellent timing for the upcoming election in November on our 0.4 mill levy which failed by 66 votes.”

The City Manager continued that they considered that a win because the previous levy failed by 600 votes. In 1983 they operated on a budget of \$9,502.00 and had \$5,311.00 in expenses. They operated six parks Sackett-Wright, Bellbrook, Petrikis, Ron Kehl, and Magee Park. The bylaws included that there be three commissioners who serve three-year terms with at least one from the Township and one from the City.

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In 2017 the bylaws were changed and removed the provision of residency. In the summer of 2020, a Memorandum of Understanding was executed reinstating the residency requirement. It also outlined the process for appointing Commissioners. Two people each from the City, the Township, and the Parks would review applications, interview applicants, and make a recommendation to the judge. In 2020 Michael Johnson from Bellbrook became the newest Commissioner.

Mrs. Middlestetter, who was the second person from the City in this process along with the City Manager, explained the 2021 process. She explained that there were four very qualified applicants. An important determining factor concerns the health of the third current commissioner. Howard Ackerman's term will expire next May 2022, and it has been speculated that he will not apply to remain on the Commission. With this year's addition that would mean that come May 2022 Mr. Johnson would be the senior Commissioner with less than two years in the position and would lack history. One of the applicants, Randy Tischer, has been a Commissioner for 18 years. Considering the need for continuity, Mrs. Middlestetter and Mrs. Dodd agreed that Mr. Tischer made the best choice to be recommended and the other parties were also in agreement. Mrs. Middlestetter added that there may be people in the community who have their own hopes for what the Parks District should do. There is never enough money to do it all.

Dr. Van Veldhuizen asked if the decision was unanimous, and Mrs. Middlestetter said it was.

Mr. Hoke asked what framework was used for the evaluation of candidates and was it just experience that trumped everything else. Mrs. Middlestetter said that in this situation knowing what will be happening in 2022, experience was the priority. The other candidates had excellent qualifications and she hopes they apply again next spring.

Mr. Hoke asked what the duties and responsibility of the Commissioners is. Mrs. Middlestetter answered that they are an oversight body much like our City Council. Dr. Van Veldhuizen expanded on the point asking if like Council the Parks Commissioners hold meetings discussing issues coming up for the people who work day-to-day for the District.

Mayor Schweller said he understood that the Parks District is a big responsibility, and he appreciates what they do.

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Mr. Greenwood asked if the Commissioners select someone to be the lead. Mrs. Middlestetter said that any distinction between the three was decided among themselves. Dr. Van Veldhuizen stated that the website said one is president, one is vice president, and one is treasurer.

Mr. Hoke stated that although he was not part of the decision-making group that as a parent of children involved in activities and sports, he sees this as an opportunity for a new direction. He added that some of the facilities surely have unique constraints, but the Bellbrook parks are deficient relative to our surrounding communities. He stated he did not have anything against anyone that applied to be a commissioner but he sees an opportunity to go in a new direction possibly improving facilities. He also stated that he knew a number of letters had been sent into Council concerning this from citizens. He asked the Clerk if those were going to be read during the meeting. The Clerk responded that all letters had been forwarded to every Council Member. The recommendation is in the form of a resolution which does not include a public hearing.

Mrs. Middlestetter responded that she, the Park staff, and the Commissioners are aware that people have different desires and needs concerning our parks. The Parks District operate with five full-time staff and five part-time with a few additional staff during summer programming. They maintain over 700 acres of park land including hardscapes and recreational facilities. Unless residents are willing to supply additional tax money the current conditions will continue. There is a balance between being able to acquire natural areas and open space when available before it is all built up and building recreational facilities. Some of our surrounding communities have larger budgets and staff to maintain and operate those facilities. Mrs. Middlestetter added the example of the pickleball courts that were just added to Petrikis Park. The project went over budget because the foundation below the tennis courts required significant repair before the courts above could be created. The new courts are being used extensively.

The Mayor asked when the Commissioners hold their meetings. Mrs. Dodd answered that they meet on the fourth Thursday at 7:00 a.m. at the Parks office.

Dr. Van Veldhuizen said he had read the letters from the citizens that Mr. Hoke referenced. He stated that there is a lot of interest in who is appointed as Commissioner. He also understands budgetary decisions. He explained that Council voted for Mrs. Dodd and Mrs. Middlestetter to be the City's representatives in the process, and he is inclined to trust that they have provided an unbiased and factual

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report. He added that he expects the Commissioners to act impartially on all matters. If someone has an issue with the Parks District, they should attend the Commissioners meetings to voice their concerns.

Mr. Hoke added that budgetary constraints are an issue, but vision and priority are critical as well. He believes that is why so many people have taken the Commissioner opening so seriously. He also added that for many people, parents especially, 7:00 a.m. on a Thursday is a difficult time to be able to attend. He asked if the City Council could work with the Parks Commission to make them more accessible. Mayor Schweller suggested even conducting the meetings via Zoom or YouTube. He asked the City Manager to ask that question.

Mr. Greenwood reiterated that tonight's purpose is to make sure that the process was adhered to properly. He added that he learned a great deal about the Parks board.

Mr. Hoke asked about the process. Mrs. Middlestetter explained that all six of the interviewers interviewed the candidates via Zoom then collaborated together to reach a conclusion. Mr. Hoke stated that he respects the process and the work that was done, but he was going to side with the residents who spoke out on the decision.

Mrs. Middlestetter made a motion to adopt **Resolution 2021-J A Resolution to Make a Recommendation to the Court of Common Pleas for the Appointment of Incoming Bellbrook-Sugarcreek Park District Commissioner.** Dr. Van Veldhuizen seconded the motion. The Clerk called the roll. Mrs. Middlestetter, yes; Dr. Van Veldhuizen, yes; Mr. Hoke, no; Mr. Greenwood, yes; Mayor Schweller, yes. The motion passed 4-1.

Dr. Van Veldhuizen read **Resolution 2021-K A Resolution Authorizing the City Manager to Submit an Application for a Municipal Grant Through the Greene County Board of County Commissioners.**

Mrs. Dodd explained that this was discussed earlier, and it was decided to apply for a grant to go toward the streetscape design plan.

Dr. Van Veldhuizen made a motion to adopt **Resolution 2021-K A Resolution Authorizing the City Manager to Submit an Application for a Municipal Grant Through the Greene County Board of County Commissioners.** Mrs. Middlestetter seconded the motion. The Clerk called the roll. Dr. Van Veldhuizen,

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yes; Mrs. Middlestetter, yes; Mr. Hoke, yes; Mr. Greenwood, yes; Mayor Schweller, yes. The motion passed 5-0.

OLD BUSINESS - none

CITY MANAGER REPORT

Mrs. Dodd reported the following:

- Reopening of City Buildings – All City buildings reopened to the public on Monday, April 5 at 8:30 am. Anyone wishing to do business with the City are still encouraged to do so remotely when possible.
- Little Sugarcreek Borings – The additional borings on Little Sugarcreek Road occurred the week of March 29th. The geotechnical engineers were on site for two days. The full report of findings is set to be delivered at the end of April.
- Sidewalk/Crosswalk/Traffic Signal Upgrades – The Service Director and City Manager met with LJB who is working on the design and estimates for the additional sidewalks and crosswalk upgrades. They will have the final design and estimates complete later this month.
- Bellbrook TV Update – The Clerk and City Manager met with Lt. Nartker who has been tasked with keeping Bellbrook TV up and running. We reviewed the proposal and are continuing to get a full estimate of costs. The estimate for the equipment is \$15,992.03 but we will need to also move the equipment from Station 1 to the City building which will likely require an additional cost for the fiber connection to the cable provider. Additional information will be provided.
- Registration is now open for the Brook Mills 10k on Saturday August 21. This race sold out its first year and we are hopeful it will again so be sure to register early at www.brookmills10k.com. The Governor lifted restrictions on outdoor events so it is looking like this will be a go along with the Be Well Bellbrook event.

COMMITTEE REPORTS

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Service – Mr. Greenwood reported that the Service Department is asking residents to make sure that storm drains are kept clear. If the drain cannot be cleared, please contact the Service Department. It is also important to keep debris out of the creeks.

Safety – Mr. Hoke reported that COVID numbers had increasing slightly in April but seem to be leveling out. More information is being collected on tornado sirens to be presented to Council. The Safety Committee will be holding quarterly meetings with the next one probably taking place in June.

Finance – Mayor Schweller stated that Council members have been asked to complete a questionnaire from the auditor. Financial disclosures are due the middle of May.

Community Affairs – Mrs. Middlestetter reported that there have been two applicants for the vacancy on the Village Review Board and interviews will be scheduled.

CLERK'S REPORT

Mrs. Timmons reported on the activities of the City's Boards. The Village Review Board and the Board of Zoning Appeals had no cases to be heard and so did not meet. The Planning Board met and approved the replat in Highview Terrace that Council approved at this meeting. They also reviewed 18.05 Accessory Structures of the Bellbrook Zoning Code which has been forwarded to the Municipal Attorney. Council will have their first review and discussion of the updated Article 14 of the Zoning Code at the next meeting. June 7 will be the next Community Leaders Meeting that will be hosted by the Sugarcreek Township Trustees.

COMMENTS

Mr. Greenwood commented that downtown is becoming more crowded in the evenings as businesses are opening up for the season.

Mr. Hoke reported that over the weekend the Township led a clean-up day and he saw a large number of people volunteering. He also wanted pass along a shout-out from a resident to the Service Department and Ryan Pasley for great work. They said that there had been a water main leak that was fixed and cleaned up in a very timely manner.

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Mrs. Middlestetter added an item about the Parks Commission. Most of the acquisition of new land that the parks have acquired had been accomplished with Clean Ohio Grants. Those grants are not available for recreational facilities. They are specifically for natural areas. This accounts for what the District is able to accomplish.

Dr. Van Veldhuizen added to Mr. Hoke's comments about the Service Department and agrees that they do a great job very quickly and with a wave and a smile. He added that this also applies to the Police Department. He thanked Mrs. Middlestetter and Mrs. Dodd for their work recommending a new Parks Commissioner. He asked if they could add more information on the Parks website such as their term dates. He reported being happy to see many more people using the new pickleball courts than he ever saw using the tennis courts that have been there since 2008. His last item had to do with the property behind his neighborhood. The Kircher property has been put on the market and asked if the City knows of any plans for this piece of private property. Mrs. Dodd answered that currently the land is zoned as agricultural so any change to that would have to come before the Planning Board and Council.

PUBLIC COMMENT

Steve Baldinger, 1982 N. Sheffield, reported speaking with Council Member Hoke concerning tornado sirens. He explained that he had been a weather forecaster for 26 years and had spoken with a few Council Members in 2019. He said there are three items the Safety Committee should consider. First is the cost versus benefit. The benefit is they save lives. The second is redundant systems. The City does have Hyper-Reach to contact citizens via their phones, but technology is not always reliable as Mrs. Middlestetter showed tonight. He used the example of seatbelts that in the past were just an accessory but are now considered vital to the point that a person can receive a citation for not wearing one. Now there are also airbags but that did not replace seatbelts, they add to the safety of the vehicle. Electronic cars now come with even more safety mechanisms, but the core seatbelt is still there. This same argument applies to tornado sirens. He concluded by stating that he hopes Council will reprioritize and purchase sirens for our City.

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Dan Dirksen, 21 S. Main Street, spoke concerning the City's recommendation of Mr. Tischer to the Parks Commission. He believes many people would like to see some "new blood" on the commission. His thought is that someone with children in the programs would be a good choice. He reported that kids play on the same fields that have not changed since the 1970s. The high school and Lion's Club teams are also having to use the old fields. Over the years he has seen that Bellbrook's facilities are not up to par with surrounding communities. There are 19 baseball and t-ball teams that share six grass fields. There are five softball teams who share the middle school field. There are just not enough fields. He shared a letter from John Dorn of the Lion's Club. The Lion's Club has been pursuing development of a 40-acre parcel of land in the Township that the Parks District owns. Mr. Dorn explains that the plan includes entry road, baseball, and softball fields that would not have the risk of floods. This development would be the first new or improved sports facility in our community in over 30 years. The project has been rejected by the Parks Commission after 10 months of work. Mr. Dorn also stated that presentations were made to the City and the Township, but no elected official pursued it. It was the Lion's Club members who discovered the change to the Commission's bylaws that had removed representation by Bellbrook residents. Their work brought about the MOU that requires residency and the change to the appointment process. He states he is disappointed that the City is recommending re-appointing one of the Commissioners who was responsible for the removal of the residency requirement that led to the current situation. Mr. Dirksen does not believe that making this decision due to one member's poor health was not the right choice.

Mayor Schweller asked staff to make sure that the citizens' letters are forwarded to make sure everyone is away of them.

ADJOURNMENT

The Mayor announced that there was no further business and adjourned the meeting at 9:00 PM.

Michael W. Schweller, Mayor

Pamela Timmons, Clerk of Council