

RECORD OF PROCEEDINGS
Minutes of Bellbrook City Council Regular Meeting
May 10, 2021

Due to the COVID-19 pandemic the May 10, 2021 City Council Meeting was conducted using Zoom's remote webinar platform.

PRESENT: TJ Hoke
Ernie Havens
Dr. Van Veldhuizen
Forrest Greenwood
Elaine Middlestetter
Nick Edwards
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; Mr. Havens, yes; Dr. Van Veldhuizen; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mr. Edwards, yes; Mayor Schweller, yes.

APPROVAL OF MINUTES

Mayor Schweller asked if anyone had any comments or corrections to the minutes of April 12. Hearing none he declared the minutes approved.

MAYOR'S ANNOUNCEMENTS

- EMS Week Proclamation

Mayor Schweller proclaimed the week of May 16 through 22 Emergency Medical Services Week. This year's theme is "EMS Strong". He encouraged residents to show their appreciation for the members of Bellbrook's Fire Department.

Chef Bizzarro thanked Council for recognizing the week by showing our thanks to the men and women of the Fire Department and what they do on a daily basis for our community.

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Mr. Greenwood added that he appreciates all the training they go through to provide the best possible care to our citizens 24-hours a day, 7- days a week. The rest of Council echoed their thanks.

Mr. Hoke added a shout-out to his wife who is an emergency room nurse.

- Asian American Pacific Islander Heritage Month (AAPI)

Mayor Schweller acknowledged that May is Asian American Pacific Islander Heritage Month. This month is observed annually to celebrate the contributions that generations of AAPIs have made to American history, society, and culture. The origin of this celebration dates to 1977 when Congress designated a heritage week. In 1990 this was expanded to a month. He added that over the last year a local group called Sugarcreek Cares was formed and has been working to promote racial justice in the Bellbrook-Sugarcreek community. They have worked diligently to raise awareness of current issues including the rise in hate crimes against the AAPI community. The Mayor declared that this type of violence and harassment will not be tolerated in our community. He urges residents to continue to educate themselves on these issues and work toward ending this type of behavior. He included that education and resources are available at stopaapihate.org. Council joined the Mayor in recognizing AAPI Heritage Month.

PUBLIC HEARING OF ORDINANCES - none

INTRODUCTION OF ORDINANCES

Mr. Havens read **Ordinance 2021-5 An Ordinance Repealing Section 860 “Public Shows and Exhibitions” of the Bellbrook Municipal Code.**

The City Manager explained this section of code in Part 8 was found while researching something else. A new section has been added in Part 4 “Special Events” and this code is no longer needed. This hadn’t changed since 1974 and she could not find the last time a public show or exhibition was licensed.

Mr. Havens made a motion to introduce **Ordinance 2021-5 An Ordinance Repealing Section 860 “Public Shows and Exhibitions” of the Bellbrook Municipal Code.** Mr. Edwards seconded the motion.

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The Clerk called the roll. Mr. Havens, yes; Mr. Edwards, yes; Mr. Hoke, yes; Dr. Van Veldhuizen, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes, Mayor Schweller, yes. The motion passed 7-0.

Mr. Greenwood read **Ordinance 2021-6 An Ordinance Repealing Old Section 1450.15 “Demolition” of the Bellbrook Municipal Code and Enacting a New Section 1450.15 “Demolition” of the Bellbrook Municipal Code.**

Mrs. Dodd explained the need for this change was discovered while preparing for the Village Review Board to hear a request for a demolition permit. It was discovered that a Certificate of Appropriateness was not included as required in a demolition plan. The County also requires one. Plus, the transferability of the permit is being added. The Municipal Attorney also recommended some changes.

Mr. Havens suggested adding a reference on where to find the Certificate of Appropriateness. Mrs. Dodd explained that a reference hadn't been made due to a complete rewrite of Article 14 that has changed the numbering.

Mr. Greenwood made a motion to introduce **Ordinance 2021-6 An Ordinance Repealing Old Section 1450.15 “Demolition” of the Bellbrook Municipal Code and Enacting a New Section 1450.15 “Demolition” of the Bellbrook Municipal Code.** The motion was seconded by Mr. Havens. The Clerk called the roll. Mr. Greenwood, yes; Mr. Havens, yes; Mr. Hoke, yes; Dr. Van Veldhuizen, yes; Mrs. Middlestetter, yes; Mr. Edwards, yes; Mayor Schweller, yes. The motion passed 7-0.

RESOLUTIONS – none

OLD BUSINESS - none

NEW BUSINESS

- Motion to waive the sign ordinance for the Community Garage Sale May 20-22

The annual garage sale will be taking place on May 20-22. Dr. Van Veldhuizen made a motion to waive the sign ordinance during the garage sale. Mr. Edwards seconded the motion. The Clerk called the

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roll. Dr. Van Veldhuizen, yes; Mr. Edwards, yes; Mr. Hoke, yes; Mr. Havens, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes, Mayor Schweller, yes. The motion passed 7-0.

- Review of Section 12 Special Event Ordinance Revisions

The City Manager explained that in 2019 Council passed the Special Events ordinance. It was never used in 2020 due to the COVID-19 pandemic but when it was looked at again it has been discovered that some changes need to be made. The purpose of this code requiring a permit to hold a temporary special event is to ensure participants are safe and proper insurance is obtained. Originally it included any property on which the general public was invited. Mrs. Dodd spoke with insurance professionals who explained that a homeowner or business owner would already have liability insurance. Additional insurance is still recommended if you are inviting the general public onto private property. This ordinance is being revised to only encompass public property. Public property includes city-owned parking lots, city-owned buildings, and public right-of-ways including but limited to streets and sidewalks. References to mobile food vehicles was removed because we do not have an ordinance for them. Examples were added to temporary structures. We also allow for recurring events to need a single permit. Exemptions were added for events hosted by the City, schools, and the parks district.

Mr. Hoke asked if a neighborhood block party would require a permit. Mrs. Dodd answered that they would not require one unless a street was being closed.

Mr. Havens commented that he was disappointed that references to exempting patriotic events was removed because those are not seen often. Mrs. Dodd added that those kind of events, such as a fourth of July parade would require City services and would need a permit. The need for the ordinance is more about the place, not the nature of the event.

- 2021 Paving Program

The City Manager directed Council to the charts included in the packet that included the list of streets to be paved this year and the estimated cost from the Greene County engineers. Bellbrook is part of a collective bid with other Greene County municipalities. Historically the City has allocated \$150,000 to paving each year. In addition, the City now receives additional funds from the gas tax that goes into the

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Streets Fund. We propose using \$50,000 of that money to increase the paving program. In 2020 the City allocated \$200,000 to paving. The actual cost came in at \$165,000. The 2021 budget was set at \$200,000 for paving. Revenue to date from the gas tax is \$91,000.

Streets to be paved include: Cedar Court, Glenberry Circle, Kensington Drive, N Field Drive, Plantation Trail, Poston Drive and Sable Ridge Drive. The Service Director would like to add Knob Hill Drive for \$35,000 due to when it was last paved.

Mayor Schweller asked if instead of allocating from the Capital Fund couldn't more come from the Streets Fund and leaves a bigger balance in the General Fund which has less restrictions. He recommended splitting it between Capital and Streets. Mrs. Dodd agreed and said that half could come from each fund.

Mr. Havens asked what happens to the balance that is not spent this year or if it could be used for something else like repairs to Little Sugarcreek Road. Mrs. Dodd replied that Little Sugarcreek Road is actually a permissive tax street which had a decent fund balance that has been used for some of the studies that have been done on the road. Some of the gas tax revenue goes to that fund. Mr. Edwards added the question that if we wanted to use the money in the Streets fund for a non-permissive tax road, could we. Mrs. Dodd said that is allowed.

Council agreed to add the requested street to the paving plan for this year.

CITY MANAGER REPORT

Mrs. Dodd reported the following:

- Bellbrook was awarded the Greene County Municipal Grant to cover 75% of the Streetscape Plan project (\$26,625). Approval was received from the Greene County CIC first and then the Board of County Commissioners. We were one of three projects awarded out of six projects submitted. This brings the City's contribution to fund the plan to only 25% or \$8,875!
- Finance and Utility Billing Software conversion will take place on May 27 and will be live on the 4th of June. Utility billing customers will have a new website to make payments from and this will be communicated in a variety of methods including with the utility bills, on the website and possibly HyperReach. Information about signing up will be going out to customers soon.

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- For the second year in a row, the Greene County Budget Commission has waived the requirement to file a tax budget. There was a letter that was shared by the budget commission stating that they “will be looking at budgets closely and funds with property tax levies which do not show a need based on the budget may be reduced by the Commission”. The tax budget is used to demonstrate the need for property tax funds each year.
- The process and requirements for getting Bellbrook TV back up and running is still being researched. Currently the connection from the equipment to the cable provider is no longer supported. Since this system needs to be move it to the City administration building, a new line will have to be ran. We are working to understand that now.
- American Rescue Plan – Guidelines related to the American Rescue Plan funds were released just today. They have not yet been reviewed in depth. The allocations are supposed to be distributed at any time.

COMMITTEE REPORTS

Service – Mr. Greenwood reported that there was a reduction in the cost of asphalt this year which was nice news. PFAS testing of the City water has been continuing. The final restorations are done which means the North Belleview Road culvert and road project are 100 percent complete. In the future the City might discuss adding guardrails, but the sides have firmed up and it looks great.

Safety – Mr. Hoke announced that blood pressure checks will be performed every Friday from 10:00 to 11:00 a.m. for free to anyone who goes to Fire Station #2. The Police Department received vest carriers through a donation from the Lion’s Club. These allow officers to wear their vest outside of their shirts while still appearing in uniform. Tornado sirens are still being researched and reported that Bellbrook could tie in with the Xenia system for activation.

Finance – Mr. Edwards reported that the audit through March is complete. There were no Capital expenditures in the first quarter.

Mrs. Dodd explained that Mr. Hoke had asked about some expenditures which were higher this year compared to budget and where we are in the year. There had been carryover encumbrances spent near the beginning of the year. The largest was from 2020 from the COVID Relief Funds that

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carried over. Another higher expenditure was payments to our debt service which occurred just because of when the payments were due.

Mr. Edwards made a motion to accept the first quarter financials. Mr. Hoke seconded the motion. The Clerk called the roll. Mr. Edwards, yes; Mr. Hoke, yes; Mr. Havens, yes; Dr. Van Veldhuizen, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mayor Schweller, yes. The motion passed 7-0.

Community Affairs – Mrs. Middlestetter announced that the Committee will be scheduling interviews for the opening on the Village Review Board. She also announced the news that Glenn Costie will be moving out of state and this creates an opening on the Board of Zoning Appeals/Property Review Commission. Applications will be accepted through June 10 and are available on the City website.

CLERK'S REPORT

Mrs. Timmons reported June 7 will be the next Community Leaders Meeting.

COMMENTS

Mr. Greenwood reported attending the last Bellbrook Sugarcreek Parks District meeting after hearing from many residents concerning the appointment of the new Commissioner. The next meeting will be May 27 at 7:00 a.m. The Commissioners and Park Director Jeff Stewart were pleased to have people present at the meeting. He asked why the meetings were held at 7:00 a.m. They responded that they had been at 7:00 p.m. but many people had conflicts with that time also. He also asked them about the vision for the parks district specifically as it pertains to new ball fields. The Commissioners said they understand this need and explained that discussions with the Lion's Club had not resulted in any progress. They pointed out that much of the land is donated and there are many restrictions concerning the use. They said they want to work with the Lion's Club to make this happen for our community.

Mr. Hoke congratulated Mrs. Dodd on the Greene County grant award. He also reported attending PeeWee Martin's 100th birthday celebration which was an impressive event celebrating Mr. Martin and all those who served. He saw one of the Army Golden Knights parachute which was an awesome sight.

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Mayor Schweller thanked the Lion's Club for their donations for the Police vests. He also reminded Council that financial disclosures are due to the Ohio Ethics Commission on the 17th.

PUBLIC COMMENT

David Buccalo, 126 Lower Hillside Drive, thanked the Mayor, Deputy Mayor and Law Director for meeting with him. He wants to remind Council members that the purpose of recusing yourself is so that you do not have to resign over a conflict of interest. He announced that he believes that a conflict still exists for one Council member who should recuse themselves from planning and zoning activities. He plans to file a complaint with the State of Ohio. In an effort to be transparent he told Council that any one of them was free to talk to him personally about this. He also said he had spoken with the Parks Director about the sponsorship of events at Bellbrook Park by a Council member. He was told that the sponsor will receive no income from these events. Mr. Buccalo did say he does believe that the name and logo of the parks district is being used for personal promotion. He believes there is a danger when people blur boundaries. He stated for the record that Mr. Havens has been trespassed by the Police Department from several Bellbrook business properties. The Police reports are public record that anyone can look at.

ADJOURNMENT TO EXECUTIVE SESSION

The Mayor announced that there was no further open business and Council will enter into executive session at 8:18 PM.

Mr. Edwards made a motion to enter into executive session and Mrs. Middlestetter seconded the motion. All were in agreement.

Michael W. Schweller, Mayor

Pamela Timmons, Clerk of Council