

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

**PRESENT:** TJ Hoke  
Ernie Havens  
Forrest Greenwood  
Elaine Middlestetter  
Mayor Mike Schweller

**ABSENT:** Dr. Van Veldhuizen

**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; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mayor Schweller, yes.

Mr. Havens made a motion to excuse Dr. Van Veldhuizen from the meeting. Mr. Greenwood seconded the motion. The Clerk called the roll. Mr. Greenwood, yes; Mr. Havens, yes; Mr. Hoke, yes; Mrs. Middlestetter, yes; Mayor Schweller, yes. The motion passed 5-0.

**APPROVAL OF MINUTES**

Mayor Schweller asked if anyone had any comments or corrections to the minutes of June 28. Hearing none he declared the minutes approved.

**MAYOR'S ANNOUNCEMENTS**

Mayor Schweller spoke about the passing of his friend and Deputy Mayor Nick Edwards on June 30, 2021. He sends his thoughts and prayers to Nick's wife, Linda, and family. Throughout his battle with cancer he was always in contact with the City and continued as a great advocate for Bellbrook. Deputy Mayor Edwards was a great Councilman and a stronger Deputy Mayor. He knew his role and executed it flawlessly. His contributions to the City are numerous and those of us who worked with him knew his focus was to support the citizens of Bellbrook and to continue to make it an even better place for our citizens to call home. Nick served the City for 24 years beginning his service on our Planning Board for

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nine years from 1997 to 2006. He left that board to serve on the Board of Zoning Appeals and Property Review Commission for six years from 2007 until 2013. He was first elected to Council in 2013 and reelected in 2017. Nick became Deputy Mayor in January 2020. Nick brought experience from his professional career as a senior vice president at Key Bank. He was also on several major community boards and brought that big board experience to Bellbrook. He was always an independent thinker who always focused on the best result for our citizens. Deputy Mayor Edwards will be greatly missed but not forgotten. His contributions to the City will always be here for our citizens.

Mrs. Middlestetter added that he will be sorely missed. He had incredible insight and a gentle heart.

Mr. Havens suggested Council consider planting a tree in the City in his honor.

Mayor Schweller agreed and added that a memorial brick placed at the museum.

Mr. Greenwood said that he met Nick Edwards after they were elected to City Council in November 2013. He had not known Nick, but they were seated alphabetically so he was next to Nick. It did not take long to learn that Nick was special. He was cloaked with immense knowledge about how things worked and add to the mix was his big heart. It was no surprise to Mr. Greenwood that Nick's work on Council helped everyone. Nick was all-inclusive with all persons no matter who they were. He was always focused on our citizens and questioned if Council's decisions were good for our citizens. He also supported City staff because he knew great service comes from staff that are supported by our citizens and Council. One example of his big heart was his suggestion that an increase in zoning permit fees be postponed for a time due to the effects of the pandemic. He was concerned that some citizens would have to struggle to complete their projects. Plus, after the COVID-19 people could use a break. Being a Council Member takes time away from one's family and Mr. Greenwood thanked Nick's wife Linda and his family and friends for their unwavering support. Nick's memory and example will live on in our hearts and his influence will be a mark on the City of Bellbrook for a long time to come. He closed by saying thanks to Nick for all he has done, and it was an honor to work together.

Mr. Hoke wanted to add that although his time working with Nick was short and mostly virtual over Zoom, he hears from the people he encounters in town all expressing the same sentiment that Nick was genuine and worked hard for this City he truly cared about. His presence will be missed.

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Mayor Schweller referred to a discussion from the last Council meeting where Mr. Havens suggested looking into dispatch service through Greene County. The Mayor researched this and spoke with Brandon Huddleston at Greene County. The Greene County dispatch service is provided by Greene Central which is the service Bellbrook already uses. The Mayor explained that if the fee is based on a per-call basis it seems higher and should possibly be examined more closely. In retrospect the City switched to Greene Central in 2013 when we joined their conglomerate which required a significant capital outlay on their part for the consoles required by the City and Sugarcreek Township. That first contract has been in place from 2013 until it expired in 2020 on September 30. Now seems to be a good time to ensure that we get the best deal for our citizens. Now that the initial large capital expenditure has been concluded at the end of the seven-year deal now might be the time to negotiate some different rates. He added that the next step would be to contact Greene Central. He believes that a better economic program could be achieved.

**PUBLIC HEARING OF ORDINANCES** - none

**INTRODUCTION OF ORDINANCES** - none

**RESOLUTIONS**

Mr. Hoke read **Resolution 2021-T A Resolution Authorizing the City Manager to Adjust the Pay Scales of City Positions not Covered by a Collective Bargaining Agreement.**

Mrs. Dodd explained that this is an annual resolution where the pay scales are adjusted to match the cost-of-living increases that are afforded to the bargaining unit members. Last year the increase was two percent. This year the increase is two- and one-half percent. The City has 16 full-time and 17 part-time employees who will be affected by this increase. The Miami Valley Risk Management Association recently released a wage scale survey showing the average increase was 2.33 percent. This makes the City competitive with what other municipalities are offering. The attached spreadsheet only has this one increase unlike last year when changes were made to some of the steps.

Mr. Hoke made a motion to adopt **Resolution 2021- T A Resolution Authorizing the City Manager to Adjust the Pay Scales of City Positions not Covered by a Collective Bargaining Agreement.** Mrs.

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Middlestetter seconded the motion. The Acting Clerk called the roll. Mr. Hoke, yes; Mrs. Middlestetter, yes; Mr. Havens, yes; Mr. Greenwood, yes; Mayor Schweller, yes. The motion passed 5-0.

Mr. Havens read **Resolution 2021- U A Resolution Authorizing the City Manager to Prepare and Submit an Application to Participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Programs and to Execute Contracts as Required.**

Mrs. Dodd explained that applications are due into Greene County by July 16 for review and recommendations on which projects they will recommend for funding. Those will move forward to the Ohio Public Works Commission. This is an aggressive ask for \$445,306.00. This includes a twenty percent contingency which is also high. This figure would be a worst-case scenario, but you can back down the request at a later date. The City's engineers at LJB will put together a strong application for the City to gain the best scoring. The good thing about this timing is that you can ask for costs that are within a year of the award so since a substantial amount of the project would not be completed by July 1, 2022, the City could apply again next year if needed. It could end up being a combination of grants and loans. There are not many projects that Bellbrook applies for this funding for so this would be a good project to try. The City already has the federal dollars received from Miami Valley Regional Planning which totals \$342,000. This State grant could reduce the local share down. Answers should be received back in November 2021 and early 2022. The County should inform us soon whether this project has been selected.

Mr. Hoke asked how this grant compares to the one the City received last year for the N. Belleview Drive replacement. Mrs. Dodd answered that last year's grant was through the State's emergency program.

Mr. Havens asked if there was a timeline on the urgency of the replacement of this bridge. Mrs. Dodd answered that the bridge is not being replaced. The project is for the pedestrian improvements along the State route.

Mr. Havens made a motion to adopt **Resolution 2021- U A Resolution Authorizing the City Manager to Prepare and Submit an Application to Participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Programs and to Execute Contracts as**

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**Required.** Mr. Greenwood seconded the motion. The Acting Clerk called the roll. Mr. Havens, yes; Mr. Greenwood, yes; Mr. Hoke, yes; Mrs. Middlestetter, yes; Mayor Schweller, yes. The motion passed 5-0.

Mr. Greenwood read **Resolution 2021-V A Resolution Establishing a New Special Revenue Fund Titled “Local Fiscal Recovery Fund”**.

Mrs. Dodd explained that an action of Council is required to establish a new Fund.

Mayor Schweller added that this is the American Rescue Plan Act also referred to as ARPA. Bellbrook’s allocation was reduced when the State added townships into the equation.

Mr. Greenwood made a motion to adopt **Resolution 2021- V A Resolution Establishing a New Special Revenue Fund Titled “Local Fiscal Recovery Fund”**. Mrs. Middlestetter seconded the motion. The Acting Clerk called the roll. Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mr. Hoke, yes; Mr. Havens, yes; Mayor Schweller, yes. The motion passed 5-0.

Mr. Greenwood read **Resolution 2021-W A Resolution by Bellbrook City Council to Request the City of Bellbrook’s Share of American Rescue Plan Act Funds from the Ohio Office of Budget and Management and Authorizes the City Manager to Act as the Authorized Representative on Behalf of the City of Bellbrook.**

The City Manager explained that the State of Ohio has received the funds from the U.S. Treasury. They have been authorized with the budget bill to distribute that money, so the portal was opened last week. This Resolution allows the City Manager to sign off on the distribution on behalf of the City. The City has four years to commit the money and up to six years to spend it.

Mr. Greenwood made a motion to adopt **Resolution 2021-W A Resolution by Bellbrook City Council to Request the City of Bellbrook’s Share of American Rescue Plan Act Funds from the Ohio Office of Budget and Management and Authorizes the City Manager to Act as the Authorized Representative on Behalf of the City of Bellbrook.** The motion was seconded by Mr. Havens. The Acting Clerk called the roll. Mr. Greenwood, yes; Mr. Havens, yes; Mr. Hoke, yes; Mrs. Middlestetter, yes; Mayor Schweller, yes. The motion passed 5-0.

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Mrs. Middlestetter read **Resolution 2021-X A Resolution Directing the Greene County Auditor to Enter the Delinquent Cost of Weed and Grass Mowing on the Tax Duplicate for the Properties Attached Hereto.**

The City Manager explained that this is the annual legislation to attach any weed and grass mowing to the property taxes for any properties which had to be mowed by City staff and were not paid. Typically the City also enacts a resolution for unpaid water bills but there were none this year.

Mrs. Middlestetter made a motion to adopt **Resolution 2021-X A Resolution Directing the Greene County Auditor to Enter the Delinquent Cost of Weed and Grass Mowing on the Tax Duplicate for the Properties Attached Hereto.** Mr. Hoke seconded the motion. The Acting Clerk called the roll. Mrs. Middlestetter, yes; Mr. Hoke, yes; Mr. Havens, yes; Mr. Greenwood, yes; Mayor Schweller, yes. The motion passed 5-0.

Mr. Hoke read **Resolution 2021-Y A Resolution by Bellbrook City Council Authorizing Recommendation to Accept the Fifth Amended Joint Chapter 11 Plan of Reorganization of Purdue Pharma L.P. in the United States Bankruptcy Court of the Southern District of New York Case No. 19-23649.**

Mrs. Dodd referenced the attached memo provided by the Municipal Attorney which summarizes the case and what the resolution accomplishes. A number of states and municipalities are entering into this bankruptcy case against Purdue Pharma, the manufacturer of oxycontin. This drug is considered the center of the opioid addiction crisis. This is a settlement due to Purdue Pharma declaring bankruptcy. The settlement is for approximately \$5,000,000,000 which has been put into a trust with a mission to fund abatement of the opioid crisis. If approved, Purdue Pharma will cease to exist, and a new company will be formed and governed by a charter that will require that it deploy its assets to address the opioid crisis. Affected municipalities have until July 14, 2021, to determine if they are going to be a party. Ohio is sixth in line for a share. Ohio will receive about 4.3 percent or \$215,000,000. The formula takes into account each state's share of prescription opioid sales, overdose deaths, population, and number of persons suffering from pain reliever use disorder. What this means for Bellbrook will depend on how many municipalities choose to participate.

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Mr. Hoke made a motion to adopt **Resolution 2021-Y A Resolution by Bellbrook City Council Authorizing Recommendation to Accept the Fifth Amended Joint Chapter 11 Plan of Reorganization of Purdue Pharma L.P. in the United States Bankruptcy Court of the Southern District of New York Case No. 19-23649.** Mr. Havens seconded the motion. The Acting Clerk called the roll. Mr. Hoke, yes; Mr. Havens, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mayor Schweller, yes. The motion passed 5-0.

**OLD BUSINESS**

City Manager Search Update – Mayor Schweller stated that the City continues to receive resumes. Council has met once in executive session to review the first group of submissions. Council will meet at the end of regular business tonight to review more. The plan is to commence interviews Monday evening July 19. Scheduling during the summer travel months is a challenge.

**NEW BUSINESS** - none

**CITY MANAGER REPORT**

Mrs. Dodd reported the following:

- Streetscape Plan Update – The City Manager and Service Director met with the lead project manager from Kleingers and received the first draft of the streetscape master plan. They were very impressed with it and were also able to add input. The next step will be the final draft which should be ready near the beginning of September. After that steps for roll-out and input will need to be determined.
- Fire Department Maintains Class 2 ISO Rating – Bellbrook Fire Department received notice that they will maintain their Class 2 ISO rating! This rating is on a scale of 1 being the highest and 10 being the lowest. This puts Bellbrook Fire in the top seven percent of departments in Ohio. Only five departments in Ohio have a Class 1 rating. This is a great honor for Bellbrook Fire to maintain this rating! Congratulations to all of the crew at the Fire Department!

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- November Levy – All of the necessary documents have been filed as of July 7th with the Board of Elections to put the levy on the November ballot. The City Manager created a staff report for the process and steps to create a Ballot Issue Committee and it has been shared with the Mayor.
- Wilmington Dayton Road Closure – The week of July 12 Wilmington Dayton Road will be closed from Centerville Station to Moss Oak from 9am to 3pm each day for some miscellaneous work to be completed on that stretch of road. Emergency traffic will be able to pass through if needed.
- Be Well Bellbrook Event Canceled – The Be Well Bellbrook Health and Wellness component of the Brook Mills race will have to be canceled this year. Without a volunteer group to take over the event, it is best to cancel the event this year. The race and farmers market will still go on!
- Juneteenth Update – The City Manager created a report on the cost associated with adding Juneteenth as a City holiday. Council should make a decision on this for the next update of the Employee Manual.
- Contract Employee for Zoning – Mrs. Dodd reported that she reached out to Greene County Regional Planning about the possibility of contracting a Zoning Assistant through the end of 2021. The lack of a Zoning Administrator has created a large increase in work for the remaining staff who now have to pick up this workload. This has to be the priority when a resident comes to the office or calls.

## **COMMITTEE REPORTS**

Mayor Schweller explained that the committee seats Mr. Edwards held need to be filled. The Mayor offered to step into them. They are the Finance Committee and the Community Affairs Committee. Council agreed with this change. He also commended Service Director Pasley on his plan to complete as much necessary maintenance on and along Wilmington Pike during the times that it was being closed for construction.

**Service** – Mr. Greenwood reported that the paving crews will be working on the streets scheduled to be repaved this year.

**Safety** – none



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**Finance** – Mrs. Dodd reported that the City received a clean audit with no citations. An exit audit conference is being scheduled.

**Community Affairs** – Mrs. Middlestetter stated that the Committee will try to meet soon to interview the candidates for the openings on the Village Review Board and BZA-PRC.

**CLERK’S REPORT**

Mayor Schweller explained that the Clerk was at a conference but had left the following information:

Future Agenda Items (dates are subject to change)

- July 26, 6:00 PM Work Session to discuss results of Little Sugarcreek Borings
- July 26 - A Resolution Authorizing the City Manager to Enter into a Lease with Frygib, Inc. for Use of Wellfield Land Located on State Route 725
- October 11 – 6pm Budget Work Session– Administration & Service Departments
- October 25 - 6pm Budget Work Session– Police & Fire Departments
- November 8 – 6pm Budget Work Session– Capital Improvement Plan
- November 22 – Introduction of 2022 Budget Ordinance
- December 13 - Public Hearing of 2022 Budget Ordinance

**COMMENTS**

Mr. Greenwood congratulated the Fire Department for their rating.

Mr. Havens asked if there was a point of contact for the gas pipeline being run under State Route 725 and Lakeman Road in case there is a problem with a cave in. Mrs. Dodd answered that the City was supplied with a complete list of contact people for the project. He also thanked the Fire Department for maintaining the status.

Mr. Hoke echoed the thanks to the Fire Department. He also reminded the public that there will be a football rally for all the football players in the community from youth through high school. It will take place on Saturday July 17 from 2 until 5 PM. Tickets must be purchased in advance.

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Mrs. Middlestetter also commended the Fire Department adding that this helps keep fire insurance down. She asked about an event advertised along Franklin Street for Police-A-Palooza. Mrs. Dodd answered that it is an event on July 17 from noon until 4 PM at Centerbrook Church. They are planning to have a petting zoo, kids' activities, and a "dunk a cop" tank. All proceeds will go to the Community Support Center.

Mayor Schweller asked if anyone has heard how this storm compared to the one in 2020 that washed away the N Belleview culvert and road. Mrs. Dodd did not have any details at this point.

**PUBLIC COMMENT** - none

**ADJOURNMENT TO EXECUTIVE SESSION**

Mrs. Middlestetter made a motion to enter executive session at 7:58 PM. The motion was seconded by Mr. Havens. The Acting Clerk called the roll. Mrs. Middlestetter, yes; Mr. Havens, yes; Mr. Hoke, yes; Mr. Greenwood, yes; Mayor Schweller, yes. The motion passed 5-0.

The Mayor announced that there was no further business at 9:15 PM.

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Michael W. Schweller, Mayor

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Melissa Dodd, Acting Clerk of Council