

RECORD OF PROCEEDINGS

Minutes of Bellbrook City Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held August 10,

2009

BELLBROOK CITY COUNCIL **MEETING MINUTES** **AUGUST 10, 2009**

PRESENT: Mr. Bob Baird
Mr. Denny Bennett
Mrs. Pat Campbell
Mr. Ralph Fussner
Mr. Joe Ritzel
Mayor Mary Graves

ABSENT: Deputy Mayor Mike Schweller

This is a summary of the City Council meeting held on Monday, August 10, 2009.

Mayor Mary Graves called the meeting to order at 7:30 p.m. and asked everyone to stand and say the Pledge of Allegiance. The Clerk called the roll. Deputy Mayor Schweller was absent this evening. Mr. Bennett moved to excuse Mr. Schweller. Mr. Fussner seconded the motion. The Clerk called the roll: Mr. Bennett, yes; Mr. Fussner, yes; Mr. Baird, yes; Mrs. Campbell, yes; Mr. Ritzel, yes; Mayor Graves, yes. The motion carried 6-0.

There being no corrections or additions to the prior minutes of the Regular City Council Meeting of **July 13, 2009, Mr. Bennett moved they be approved as written.** Mrs. Campbell seconded the motion. The Clerk called the roll: Mr. Bennett, yes; Mrs. Campbell, yes; Mr. Baird, yes; Mr. Fussner, yes; Mr. Ritzel, yes; Mayor Graves, yes. The motion carried 6-0.

SPECIAL GUESTS/SPECIAL ANNOUNCEMENTS: NONE

MAYOR'S ANNOUNCEMENTS:

Mayor Graves thanked the people from Bellbrook who worked at the "**Extreme Make Over Home Edition**" in Beavercreek. She said she spent some time over there and saw several Bellbrook residents. She also thanked the thousands of people who put in a lot of time and effort. She said she was truly impressed.

Mayor Graves expressed condolences to the family of John Westerheide who started the UD Research Institute 40 plus years ago. She said his family lives in Bellbrook and has been very involved in the community.

Mayor Graves commented that drivers continue to **speed on her street, Sugarcreek Rd.**, even though the speed limit is 25 miles per hour and clearly marked. She said it used to be a neighborhood of older people but now there are little children who play in the street. She said she would report speeders.

PUBLIC HEARINGS:

Mr. Bennett read **Ordinance 2009-6 amending Chapter 1060 of the Bellbrook Municipal Code** in its entirety.

Mr. Schlagheck explained that this Ordinance was introduced at our last meeting. He said the City has the ability to place liens on properties for delinquent water bills and delinquent payments for mowing and this Ordinance would allow us to do it for trash collection. He said it would only apply to a handful of residents because there are

RECORD OF PROCEEDINGS

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20 09

only a few residents who don't have water service and get a single bill for trash service.

Mayor Graves opened the public hearing. Seeing no one wishing to speak either in favor of or in opposition to the Ordinance, the Mayor **declared the public hearing closed.**

Mr. Bennett moved for the adoption of Ordinance 2009-6. Mr. Ritzel seconded the motion. There being no further discussion, the Clerk called the roll: Mr. Bennett, yes; Mr. Ritzel, yes; Mr. Baird, yes; Mr. Bennett, yes; Mrs. Campbell, yes; Mayor Graves, yes. The motion passed 6-0.

INTRODUCTION OF ORDINANCES:

Mrs. Campbell **read Ordinance 2009-7 amending Chapter 678 of the Bellbrook Municipal Code** in its entirety.

Mr. Schlagheck said there were five significant changes being proposed to Chapter 678 of the Municipal Code, as follows: 1) Lower the height where weeds are considered too tall from 12 inches to 8 inches, which gives us a little more flexibility even though we don't intend to immediately cut a resident's grass when it reaches 8 inches. 2) Currently the Code allows for written notice to be provided by regular mail, this would give us the option of posting on the premises. He said this would serve to notify residents around the property owner that the City is aware of the problem, notice has been given and they can expect something to happen. 3) Notices issued under this section shall be in effect for the remainder of the growing season. He said we have a couple properties that are continuous offenders and rather than every time their weeds get to be more than eight inches having to send a letter and wait five days, this allows us to take care of it without notifying them on subsequent offenses. He said in the case where a property owner does respond to the first letter and resolves the problem and then another incident occurs, we would send them a second letter. He said this change is geared toward absentee property owners who walk away from a property. 4) Allows the addition of administrative costs to the cost of mowing. He said there's time spent by various staff members in addition to the time spent actually mowing and this will give us the authority to charge for that time. 5) Lowered the number of days for them to pay from 30 to 20 days. He said the property owners are already delinquent before this notice is necessary so we don't need to give them any more time.

Mrs. Campbell moved to introduce Ordinance 2009-7. Mr. Fussner seconded the motion. There being no further discussion, the Clerk called the roll. Mrs. Campbell, yes; Mr. Fussner, yes; Mr. Baird, yes; Mr. Bennett, yes; Mr. Ritzel, yes; Mayor Graves, yes. The motion passed 6-0.

Mr. Ritzel read **Ordinance 2009-8 to approve the re-zoning of the 11.524+/- acre tract known as Highview Terrace Subdivision, Section 1, on the east side of Little Sugarcreek Road from R-1A, One-family Residential District and A-2, Agricultural District, single family permitted uses, to PD-1, Planned Development-Residential** in its entirety.

Mr. Ritzel explained that this would rezone property that was annexed. He said the rezoning was approved by the Planning Board. Mr. Schlagheck said this annexation took place in 2008 and this Ordinance would rezone the land so it will be consistent with the other development in Highview Terrace in Bellbrook.

There being no further discussion, **Mr. Ritzel moved to introduce Ordinance 2009-8.** Mr. Fussner seconded the motion. The Clerk called the roll: Mr. Ritzel, yes;

RECORD OF PROCEEDINGS

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Meeting

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20 09

Mr. Fussner, yes; Mr. Baird, yes; Mr. Bennett, yes; Mrs. Campbell, yes; Mayor Graves, yes. The motion carried 6-0.

Mayor Graves announced that a Public Hearing on both of the above Ordinances will be held on September 14, 2009

RESOLUTIONS IN FIRST READING

Mayor Graves asked Mr. Schlagheck about the necessity for a Resolution in first reading. Mr. Schlagheck said the Ohio Revised Code requires that a Resolution to enter into a pool for medical insurance with other entities must have a first reading and cannot be adopted officially less than seven days after its initial reading. He said a public hearing is not necessary, but we are introducing it tonight and setting it for passage at a future meeting no sooner than seven days from now.

Mr. Baird read **Resolution 2009-V authorizing the City Manager to enter into an agreement with the Center for Local Government Benefits Pool, offered through the Center for Local Government, to provide medical benefits for its employees** in its entirety.

Mr. Baird asked Mr. Schlagheck if the intention of this was to lower our costs for employee medical insurance by pooling together in this organization. Mr. Schlagheck said the City's health insurance renews annually on September 1. He said we have been with United Health Care and we received a proposed increase from them of approximately 13% for the upcoming fiscal year. He said we have been looking at other alternatives one of which was the Center for Local Government Benefits Pool. He said there are 12 other jurisdictions, primarily in the Cincinnati area, a mixture of townships and cities, in this pool already. He said it just began functioning August 1, 2009, and is similar to the Miami Valley Risk Management Association for property and liability insurance coverage, although for medical insurance. He said this will save us money as our increase will be lower than 13% but it will also give us the opportunity to offer multiple plans to our employees while now we offer a single plan. He said we will offer a plan somewhat similar to a traditional POS plan and also offer a high deductible health plan with a Health Savings Account as part of that. He said we will give employees an option and the HSA is a popular program that is being offered by a number of governments and businesses alike. He said now we send our premiums to United Health Care and they insure us. He said now we will send some premiums to United Health Care via this pool but we'll put some money in a HSA for the employee and that money is theirs to keep or spend for medical expenses over time.

Mr. Schlagheck explained that since September 1 is our renewal date and since the Ohio Revised Code requires this Resolution to be read seven days before being passed, it will be necessary to schedule a meeting sometime between next Monday night and the end of the month simply to adopt this Resolution. He asked if we could have a brief meeting next Monday night, August 17. He said there is another item that might also be considered at that meeting. He said we are out to bid currently on the intersection at Little Sugarcreek and State Rte. 725 and the bid opening is this Friday so we might be able to award that contract that evening as well rather than waiting until the September 14 meeting. After some discussion, **Tuesday, August 18 was chosen for a Special Council meeting at 7:30 p.m.**

Mayor Graves asked if the law had been changed so people can carry over money in a Health Savings Account. Mr. Schlagheck said yes, there are two different programs, one a Flexible Spending Account that cannot be carried forward, and the second a Health Savings Account, where the money can be carried forward. He said with a Health Savings Account, the City puts money into an account and the employee has the option to contribute money to it as well and then the employee can

RECORD OF PROCEEDINGS

Minutes of Bellbrook City Council

Meeting

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20 09

pay medical expenses out of that. If there is money at the end of the year, they can carry it forward. He said they can always use the money tax-free as long as it's used as medical-qualified expenses. He said once an employee reaches a certain age, the money can be spent on anything without any penalty. Mr. Baird commented that if an employee leaves the program the money can be rolled over to another protected investment, an IRA.

There being no further discussion, **Mr. Baird moved for first reading of Resolution 2009-V.** Mr. Bennett seconded the motion. The Clerk called the roll: Mr. Baird, yes; Mr. Bennett, yes; Mrs. Campbell, yes; Mr. Fussner, yes; Mr. Ritzel, yes; Mayor Graves, yes. The motion carried 6-0.

Mayor Graves announced that second reading of Resolution 2009-V would take place on Tuesday, August 18.

ADOPTION OF RESOLUTIONS:

Mr. Fussner read **Resolution 2009-W directing the Greene County Auditor to enter the delinquent cost of weed and grass mowing on the tax duplicate for the properties described in Exhibit "A"** in its entirety.

Mr. Schlagheck said this was similar to what we did last month and simply added some additional properties or duplicated properties that now have had additional charges. He said our deadline is the second Monday of September to get assessments to the County Auditor so they will appear next year on the tax bill, so this will probably be the last one in the near term. He said we would continue to do this in the future to assure we get our money eventually.

There being no further discussion, **Mr. Fussner moved for adoption of Resolution 2009-W.** Mr. Ritzel seconded the motion. The Clerk called the roll: Mr. Fussner, yes; Mr. Ritzel, yes; Mr. Baird, yes; Mr. Bennett, yes; Mrs. Campbell, yes; Mayor Graves, yes. The motion carried 6-0.

CITY MANAGER REPORT:

Mr. Schlagheck reported that the **bid opening for the Little Sugarcreek/Rte. 725 Intersection** will be Friday at 11 a.m. He said we have been in contact with the engineer who put out the specs for that project and there are four to five companies who have taken them out. He said he hoped we would receive good pricing on it and our hope is that the engineer will be able to evaluate those bids and make a recommendation prior to our special meeting on Tuesday night. He said we wouldn't rush that decision but if there is a clear cut winner we can get that approved on Tuesday. He said the sooner we get it awarded the sooner we can get the project started and hopefully get it done by the end of this year.

Mr. Schlagheck said this morning he presented the **City of Bellbrook's Tax Budget** to the Budget Commission, the County Auditor, the County Treasurer and the County Prosecutor. He said he had never experienced a Tax Budget hearing because most counties waive that requirement. He said our tax budget was approved and we will get our property taxes next year.

Mr. Schlagheck said he would be starting the **annual budget process** shortly and he would be involving the department directors more than in the past to work with him to understand their needs for the upcoming fiscal year both operational and capital needs. He said he would be presenting it to the Finance Committee later this fall and it would come to Council later this year.

RECORD OF PROCEEDINGS

Minutes of Bellbrook City Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held August 10,

20 09

Mr. Schlagheck said we had been notified by the **Federal COPS Program** that our application has not been turned down but is pending. He said he thought that meant they had awarded all the money out and if someone turns some back in we might have a chance. He said in this program officers would be funded for three years and the city must make a commitment to keep the officer on for a fourth year. He said given the fiscal situation of some governments, they might not be able to make that commitment. He said we have not been denied but it doesn't look favorable.

Mr. Schlagheck **acknowledged the work of the Police Department, particularly Detective Salyers.** He said sometime since Council's last meeting, the Bellbrook Community Church was robbed in broad daylight when someone walked in and stole a credit card. He said due to the hard work of Detective Salyers the robber was apprehended and he had also been responsible for a number of other crimes in the Columbus area. He said due to the work of our Police Department, he's facing charges not only here but in other cities as well.

Mr. Schlagheck said the Bellbrook Garden Club has raised money to install an **irrigation system at the library.** He said our Service Department reviewed it and recommended a different type of irrigation system be installed. He said the Garden Club has raised \$700 and the project will cost roughly \$2,200. He said we'd like to accept the \$700 from the garden club and install the irrigation system with city funds. The Mayor asked if we have the money and Mr. Schlagheck said we did. Mr. Baird commented that the Garden Club does a lot of work throughout the City and he appreciated their raising \$700. Mr. Schlagheck agreed everyone would benefit from it. Mr. Bennett said the Garden Club women have to drag a hose around to water the flowers that they plant. The consensus of Council was to proceed with this project.

Mayor Graves asked if we had put the **blocks back at the museum.** She said some of them weren't level and asked Mr. Schlagheck to mention it to Mr. Wilson.

Mayor Graves said she had heard that our **police were chasing someone** through Kroger's parking lot and asked if Mr. Schlagheck was aware. He said he was not and would check. He said there were two breaking and enterings, one at Innovative Floor and Design and one at Capital Dry Cleaners. He said he didn't think they stole anything but broke windows. He said they have not been caught. Mayor Graves said she heard of these two incidents from her neighbors.

COMMITTEE REPORTS:

SERVICE:

Mr. Bennett read a current **report from Dale Wilson,** Service Superintendent which is attached hereto and made a part of this record.

SAFETY:

Mr. Fussner said a lot of people living in Bellbrook, especially those who have lived here for a long time, take safety in Bellbrook for granted. He plead to all residents of Bellbrook to **lock their homes and cars.**

FINANCE/AUDIT: NONE

COMMUNITY AFFAIRS: NONE

OLD BUSINESS: NONE

RECORD OF PROCEEDINGS

Minutes of Bellbrook City Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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NEW BUSINESS:

Mr. Fussner announced that his two oldest granddaughters, Katie Fussner and Blake Karras are officially enrolled in Kent State and the University of Cincinnati respectively.

OPEN DISCUSSION:

Mayor Graves reminded viewers that the **Lion's Club Festival** will be August 20-22. She said dinner on Thursday will probably be spaghetti and starts at 6 p.m. Friday is a fish dinner at 5 p.m. and Saturday is a chicken dinner right after the parade. She said the drawing on Saturday night for the car will be about 11 p.m. She said the Lions Club members were aging and she said they need new, young members. She said the Lions Club is now the only service organization in Bellbrook. She asked residents to support the Lions.

Mr. Baird reminded residents that the **Bellbrook Sugarcreek Chamber Golf Outing** is scheduled for Thursday, August 20. He said Phil Martin is in charge and the two major sponsors are Little River Catering and McIntosh's Pub. He stated the Chamber appreciates their support.

Mr. Bennett **thanked the Lion's Club** for being a wonderful service organization in the community and for all their hard work on the festival.

Mayor Graves commented that she realized after working at the Extreme Makeover House in Beavercreek how many of **our local businesses are hit up on a regular basis for donations**. She said her daughter was head of the catering tent and had to feed 1,000 people per day. Mayor Graves said she got donations from over 60 different organizations and we sometimes don't remember how much they do for us. Mayor Graves asked residents to support these people and thanked everyone who donated for these causes.

Mayor Graves **thanked the viewing audience** and invited viewers to call her or attend any meeting and she thanked **Louie Schatzberg**, cameraman, for his service.

There being no further business to come before this regular session of Bellbrook City Council, **Mr. Bennett moved to adjourn**. Mrs. Campbell seconded the motion. The Clerk called the roll. Mr. Bennett, yes; Mrs. Campbell, yes; Mr. Baird, yes; Mr. Bennett, yes; Mr. Ritzel, yes; Mayor Graves, yes. The motion passed 6-0 and the **Regular Session of City Council was adjourned at 8:26 p.m.**



Mary C. Graves, Mayor



Jill D. Rosner, Clerk of Council