

RECORD OF PROCEEDINGS

Minutes of Bellbrook City Council

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held May 17,

20 10

BELLBROOK CITY COUNCIL **MEETING MINUTES** **MAY 17, 2010**

PRESENT: Mr. Bob Baird
Mr. Denny Bennett
Mr. Ralph Fussner
Mr. Jon Martin
Mayor Mary Graves

ABSENT Mr. Joe Ritzel
Deputy Mayor Mike Schweller

This is a summary of the City Council meeting held on Monday, May 17, 2010.

Mayor Mary Graves called the meeting to order at 7:00 p.m. The Clerk called the roll. Councilman Ritzel and Deputy Mayor Schweller were absent. **Mr. Bennett moved to excuse Mr. Ritzel and Mr. Schweller from tonight's meeting.** Mr. Fussner seconded the motion. The Clerk called the roll: Mr. Bennett, yes; Mr. Fussner, yes; Mr. Baird, yes; Mr. Martin, yes; Mayor Graves, yes. The motion carried 5-0 and Mr. Ritzel and Mr. Schweller were excused.

There being no corrections or additions to the prior minutes of the **Regular City Council Meeting of April 26, 2010**, Mr. Bennett moved they be approved. Mr. Fussner seconded the motion. The clerk called the roll: Mr. Bennett, yes; Mr. Fussner, yes; Mr. Baird, yes; Mr. Martin, yes; Mayor Graves, yes. The motion carried 5-0.

SPECIAL GUESTS/SPECIAL ANNOUNCEMENTS: NONE

MAYOR'S ANNOUNCEMENTS:

Mayor Graves read a letter from Ben Rader announcing a **Memorial Day Ceremony that will be held at the Bellbrook Cemetery on May 31, 2010** at 11:30 a.m. and invited the public to attend.

Mayor Graves announced the **7th Annual rubber Duck Regatta on Friday, June 11, 2010**, 12:00 noon at RiverScape MetroPark in Dayton. She read the list of prizes that will be awarded and the prices to adopt a duck, beginning at \$5 for one and packages that are available. She invited residents to contact the Clerk for details.

Mayor Graves announced that our only **meeting in June will be 7 p.m. on June 14.**

PUBLIC HEARINGS: NONE

INTRODUCTION OF ORDINANCES: NONE

ADOPTION OF RESOLUTIONS:

Mr. Fussner read **Resolution 2010 J authorizing the City Manager to increase the fees charged for emergency medical services** in its entirety.

Mr. Fussner commented that anyone who thinks the fees are high won't think so if they ever need EMS services.

Mr. Schlagheck said this is a review of billing that we do for emergency medical services. He said we soft bill, which will not change and this means is that if a resident has

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insurance or Medicare, they will pay this fee and we don't pursue collection if they do not have those plans. He said this doesn't come close to covering the cost of providing emergency medical services but is an opportunity for us to recoup some of the costs. He said this action tonight is simply to keep our fees in line with other communities. He said almost 96% of our calls are ALS1, which will go to \$800. He cited some other communities' charges: Sugarcreek Twp., \$804; Beavercreek Twp., \$804; Xenia Twp., \$719; City of Xenia, \$800; Fairborn, \$881; Kettering, \$798; and Washington Twp., \$800. He said the proposed Resolution puts us right in line with everyone else in the region.

Mr. Martin asked when the last increase was. Mr. Schlagheck said there was a 5% increase January 1, 2009 that brought our fees more in line but that was a cost-of-living type of adjustment. He said we will continue to review this every two to three years.

Mr. Martin said he noticed in the information Mr. Schlagheck provided Council that even though these fees are going up, revenue being collected is actually going down quite a bit. Mr. Schlagheck said this was due to the fact that we soft bill and also that Miami Valley South is so close that some people choose to drive there. He said insurance companies are always looking for ways to pay less than they have to as well.

Mayor Graves said almost all communities are doing this now. Mr. Schlagheck said some do even more than soft billing.

There being no further questions, **Mr. Fussner moved for the adoption of Resolution 2010-J.** Mr. Martin seconded the motion. The clerk called the roll: Mr. Fussner, yes; Mr. Martin, yes; Mr. Baird, yes; Mr. Bennett, yes; Mayor Graves, yes. The motion carried 5-0.

Mr. Martin read **Resolution 2010-K authorizing the City Manager to amend the pay scale for administrative employees** in its entirety.

Mr. Martin said he understands this simply incorporates a new position into our pay scale. Mr. Schlagheck clarified that it will reclassify an existing position. He said with the retirement of Kim Poorman, the Assistant Finance Director position is vacant. He said this proposed classification of Assistant to the City Manager mirrors the pay scale of the Assistant Finance Director but is more appropriate to the duties Don Buczek will perform.

Mayor Graves clarified that we will now have one Assistant to the City Manager and one Administrative Assistant. She asked where Eileen Minamyler fit into the pay scale and Mr. Schlagheck said she is also an Administrative Assistant. He said we will have two Administrative Assistants, one for Zoning and one for Finance and then we will also have an Assistant to the City Manager.

Mr. Baird asked if the pay scales changed and Mr. Schlagheck said no.

Mr. Bennett commented that he's amazed at how all the employees of the City of Bellbrook multi-task. He said we are very small and bare bones but we do a lot with what we have and that's why we are so successful in managing our finances.

Mayor Graves commented that the city has three wonderful employees. Mr. Schlagheck mentioned that Shannon Phelps is the new Administrative Assistant for Finance and he said he will bring her in to introduce her to City Council. He said she has been here for about four weeks and has done a very good job so far.

There being no further discussion, **Mr. Martin moved for adoption of Resolution 2010-K.** Mr. Fussner seconded the motion. The Clerk called the roll: Mr. Martin, yes; Mr. Fussner, yes; Mr. Baird, yes; Mr. Bennett, yes; Mayor Graves, yes. The motion carried 5-0.

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CITY MANAGER REPORT:

Mr. Schlagheck reported that **hydrant flushing** will take place the week of June 7 – 11 and since that will be prior to the next Council Meeting, he wanted to notify residents. He said we will put a posting on the Web site to make sure everyone is aware.

Mr. Schlagheck reported we are in the process of working out a change in how we handle **delinquent water accounts**. He said currently, if a resident is delinquent on their water bill, we give them a lot of time before we shut off their water and we will have to do an ordinance change to address that. He said now if someone is delinquent, we physically go to their house and hang a door hanger that notifies them that their water will be turned off the next day. He said this isn't the best use of our time because we send two staff members for safety's sake and then they have to go out again the next day to turn the water off. He said also since the resident is notified, if they were to take any adverse action, they would know exactly when our staff was going to be there. He said we are working out how to eliminate the door hangers. He said people are fully aware they are delinquent because we send plenty of notification so over time we are going to eliminate those door hangers and just inform them on their notification that any time after a certain date we will disconnect their water. He said we will leave a door hanger once their water is turned off to tell them it has been turned off and what they need to do to get it reconnected. He said we have a newsletter coming out in the summer and we'll make sure we put that information in it.

Mr. Schlagheck reported that **Bellbrook TV will begin broadcasting on ATT U-Verse next Monday, May 24**. He said everything is up and running on our end and ATT is running through their testing. He said anyone with ATT U-Verse should go into Channel 99 and find City of Bellbrook TV. He said he'd make sure publicity is put out.

Mr. Schlagheck said the **Waynesville Road bridge replacement** is a project that will take place this summer. He said they propose to start it on July 19 and will close Waynesville Rd. going out of Bellbrook for 60-90 days. Mayor Graves asked if we could put information on our television channel and Web site and Mr. Schlagheck said we will do that when the date becomes closer. Mayor Graves commented that this is going to be very inconvenient. Discussion continued about how difficult it was going to be to get to Tom's Mulch, the recycling drop-off site and the Township Hall. Mr. Fussner predicted more accidents on Ferry Rd. with the increased traffic.

Mr. Schlagheck said the **Greene County Engineer bid the annual street program** for us and we've received the bids. He said the total price is \$138,393, slightly less than the \$150,000 we anticipated. He said we don't yet know when it will start and the contractor will coordinate it with Greene County.

COMMITTEE REPORTS:

SERVICE: NONE

SAFETY: NONE

FINANCE/AUDIT: NONE

COMMUNITY AFFAIRS: NONE

OLD BUSINESS: NONE

NEW BUSINESS: NONE

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OPEN DISCUSSION:

Mr. Baird said the Park District will be holding a **"Fabulous Fossil" at McGee Park** on Saturday, May 22, from 7-8 p.m. and will be free for all ages. No registration is required. Mayor Graves **complimented the Park District on Petrikis Park** that looks very pretty and said it makes a pretty entry into the community. Mr. Baird said the **soccer fields at Sackett Wright** look really nice, too.

Mr. Martin reported that the **After Prom** went well and there were no problems. He said the students had a great time. He said there were about 180 students and thanked the local businesses, the parents and administration for their support in prizes and coupons.

Mr. David Larkin, 3589 Big Tree Rd., Bellbrook said he was here to petition for a change in the zoning on having bees in Bellbrook.

Aaron Zollars, 3527 Big Tree Rd., Bellbrook, said they recently learned that Bellbrook's code does not allow bee keeping in Bellbrook. He distributed a report to City Council and said he's done extensive research on bee keeping from the Ohio Revised Code to local codes. He said they'd like to start the process to see if, at some point, this can be modified. He said in his research he investigated cities surrounding Bellbrook. He said he did not exclude any information that he was able to obtain.

He said he discovered that most cities do not have any zoning whatsoever in regard to bees. He said in discussing this with Eileen Minamy, he could see that this provision was revised in 2007 and he asked her what happened in '07 and if it involved bees. She said to the best of her recollection there was no situation involving bees. He said there are three cities that have no language whatsoever involving bees and there are three that do (Kettering, Beavercreek and Dayton.) He said he's also provided additional information including articles from the *Dayton Daily News* and House Bill 52.

He said the State of Ohio has ORC 909 that is the State's code concerning bees that is probably the most important piece of information he is providing. He said the State of Ohio regulates the types of bees he can keep and he cannot keep African Bees, aggressive bees or bees with disease; and he's required to monitor his bees whether they're in his back yard or on a farm. He said bee registration is required and the State monitors his bees. His point is that the State of Ohio will monitor bees in Bellbrook whether the City decides to do anything or not. He said everyone who applies for an apiary gets assigned a number. He said that one of his proposals is that everyone who has a bee hive be required to have that number on it. He said that way if a zoning inspector would inspect the bee hive, they could then call the Department of Agriculture and know immediately who the hive belongs to.

Mr. Zollars pointed out the page in his document that contains the proposal they make for wording for our Code. He said he's done a lot of research and he believes Kettering's Code is the best around. He said he recommends one change to Kettering's Code which is that Kettering will allow three hives on a lot of 7,500 sq. ft. and he proposes only two be allowed. Kettering's Code also states that there can be one hive for every additional 5,000 sq. ft, but there is no limit to the number if someone has a large lot. He recommended that provisions include distances from hives to property lines. He explained that when bees come out and take off they like to fly high in the air but it takes awhile for them to get airborne. Mr. Zollars covered verbally the Proposed Change to Code of Ordinances 6188.15 contained in his presentation to Council. Mr. Zollars had also included a picture of his hive in his back yard.

He summarized by saying that managing bees in an appropriate way can be done in Bellbrook as it has been done across the United States.

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Mayor Graves asked if Mr. Zollars carries insurance in case someone is strung by one of his bees who is highly allergic. Mr. Zollars said since bees are considered an insect they are not governed like that. He said a bee covers a two mile radius so a particular bee could not be identified as the one that stung someone. He said bee stings by honey bees have decreased considerably because the number of honey bees has gone down. Mr. Zollars said that's a valid concern; but honey bees, by their nature, aren't aggressive, while wasps and hornets are.

Mr. Baird recommended the gentlemen check out plat covenant and restrictions to see if there are any restrictions in those. He said the City does not enforce those. There was some discussion of plat covenants and restrictions, how long they are enforceable, and how they are enforced both of which vary.

Mr. Bennett asked if we could handle this one bee hive at a time rather than change our Code. He asked if we could grant these people an exemption. Mr. Schlagheck said we could probably grant a variance if this was part of the Zoning Code, but since it's in the Codified Ordinances, we can't do that. He said we might be able to create a permit process. Mr. Zollars said some jurisdictions handle it this way.

Mr. Baird asked if there are any more bees in Bellbrook. Both men stated there were more. Mr. Zollars said when he contacted the State of Ohio, they didn't know Bellbrook had a Code against keeping bees because there are more in Bellbrook. Mr. Zollars said that was another of his points, that obviously there are no problems currently. But, he said, it takes only one case to make it necessary to look at it and do it right.

Mayor Graves asked how large a 7,500 sq. ft. lot is and she was told it's less than one quarter of an acre. Mr. Zollars said the lots on his street are about 14,500 sq. ft.

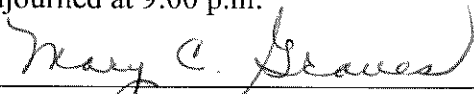
Mr. Fussner said he has been concerned about the lack of bees and the fact that bees are on the decline. Mr. Zollars said Ohio lost 50-70% of its bees last year for multiple reasons. Some discussion followed about yellow jackets and hornets and Mr. Zollars said he has talked with Five Rivers Metro Parks about some education on bees.

Mayor Graves asked Mr. Schlagheck to research this issue further and report back to City Council.


Mayor Graves **thanked the viewing audience and Louie Schatzberg**, cameraman.

ADJOURN:

There being no further business to come before this regular session of Bellbrook City Council, **Mr. Bennett moved to adjourn.** Mr. Fussner seconded the motion. The Clerk called the roll. Mr. Bennett, yes; Mr. Fussner, yes; Mr. Baird, yes; Mr. Martin, yes; Mayor Graves, yes. The motion passed 5-0 and the Regular Session of City Council was adjourned at 9:00 p.m.



Mary C. Graves, Mayor



Jill D. Rosner, Clerk of Council