

RECORD OF PROCEEDINGS
Minutes of Bellbrook City Council Meeting
January 28, 2019

PRESENT: Nick Edwards
Forrest Greenwood
Darryl McGill
Elaine Middlestetter
Dona Seger-Lawson
Mike Schweller
Mayor Robert Baird

CALL TO ORDER

Mayor Baird called the meeting to order at 7:00 pm. The mayor announced that prior to the council meeting the Finance Committee met to discuss the city's financial software.

ROLL CALL

Mr. Edwards, yes; Mr. Greenwood, yes; Mr. McGill, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Deputy Mayor Schweller, yes; Mayor Baird, yes.

FORMAL APPROVAL OF MINUTES

After polling members of City Council, as there were no corrections or additions to the regular meeting minutes of January 14, 2019 Mayor Baird declared the minutes approved as written.

MAYOR'S ANNOUNCEMENTS/SPECIAL GUEST

Mayor Baird welcomed members of the Bellbrook Fire Department. Jay Leach came forward to take the oath of first lieutenant. The Mayor joked that there are plenty of EMTs in attendance if he were jabbed by his badge.

Next, the Mayor swore in Renee Simmons as a new full-time firefighter. Ms. Simmons gave her oath and her badge was pinned on.

PUBLIC HEARING OF ORDINANCES

Mrs. Middlestetter read **Ordinance 2019-1 An Ordinance Amending Article 3, Section 3.02 "Definitions" of the Bellbrook Zoning Code.**

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City Manager Melissa Dodd presented a power point highlighting the reasoning behind these additions to the Bellbrook Zoning Code. A father and son were looking at properties that might be purchased to operate a brewpub. They did not find an appropriate property in Bellbrook at this time. This brought to the staff's attention that these types of businesses were not defined in the current zoning codes.

In 2011 Ohio legislation enabled companies making craft beer on-site to be able to sell it on-site. In 2013 a new category of liquor permit was created. Typical liquor permits are quota based by population. The new A1C permits do not have a quota. A1C permits lowered the fees from \$4,000 to \$1,000 per permit. This created a boom in this category. This is being brought before City Council because these businesses could be an economic tool to attract people to the area. These establishments are not like a typical bar. They offer a family-friendly, fun environment to try different products. The economic impact has been substantial. In 2018 there were 297 licensed craft breweries, up from only 58. Ohio ranks number seven in economic impact. This is a 2.67 billion dollar industry. The Planning Board looked at these ordinances and at the November 29th meeting, they approved them for review by City Council.

Mr. Schweller asked if the police department anticipates any problems with these businesses. Mrs. Dodd said the police have no issue.

Mayor Baird opened up for public comment. Seeing no comments from the public, the Mayor closed the public hearing and asked for a motion. Mrs. Middlestetter made a motion to approve **Ordinance 2019-1 An Ordinance Amending Article 3, Section 3.02 "Definitions" of the Bellbrook Zoning Code.** Mrs. Seger-Lawson seconded the motion. The clerk called the roll. Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mr. McGill, yes; Mr. Schweller, yes; Mr. Baird, yes. The motion carried 7-0.

Mr. Edwards read **Ordinance 2019-2 An Ordinance Amending Article 12, Section 12.02 "Permitted Principal Uses" of the Bellbrook Zoning Code.**

Mrs. Dodd explained that these types of businesses would be permitted principal uses for the main downtown business district.

Mayor Baird opened up for public comment. Seeing no comments from the public, the Mayor closed the public hearing and asked for a motion. Mr. Edwards made a motion to approve **Ordinance 2019-2 An Ordinance Amending Article 12, Section 12.02 "Permitted Principal Uses" of the Bellbrook Zoning Code.** Mr. McGill seconded the motion. The clerk called the roll. Mr. Edwards, yes; Mr. McGill, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Mr. Schweller, yes; Mr. Baird, yes. The motion passed 7-0.

Mr. McGill read **Ordinance 2019-3 An Ordinance Amending Article 12, Section 12.02 "Conditional Uses" of the Bellbrook Zoning Code.**

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The City Manager explained that the micro-type business, due to their generally larger size, would be considered “Conditional Uses”. The plans would require review and approval from the Planning Board and City Council.

Mayor Baird opened up for public comment. Seeing no comments from the public, the Mayor closed the public hearing and asked for a motion. Mr. McGill made a motion to approve **Ordinance 2019-2 An Ordinance Amending Article 12, Section 12.02 “Conditional Uses” of the Bellbrook Zoning Code**. This was seconded by Mr. Schweller. The clerk called the roll. Mr. McGill, yes; Mr. Schweller, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Mr. Baird, yes. The motion passed 7-0.

Mr. Greenwood read **Ordinance 2019-4 An Ordinance Amending Article 18, Section 18.16 “Off Street Parking Regulations” of the Bellbrook Zoning Code**.

Mayor Baird opened up for public comment. Seeing no comments from the public, the Mayor closed the public hearing and asked for a motion. Mr. Greenwood made a motion to approve **Ordinance 2019-4 An Ordinance Amending Article 18, Section 18.16 “Off Street Parking Regulations” of the Bellbrook Zoning Code**. Mrs. Middlestetter seconded the motion. The clerk called the roll. Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mr. Edwards, yes; Mr. McGill, yes; Mrs. Seger-Lawson, yes; Mr. Schweller, yes; Mr. Baird, yes. The motion passes 7-0.

Mr. Edwards read **Ordinance 2019-5 An Ordinance Adding Chapter 810 “Small Cell Facilities and Wireless Structures” to the Codifies Ordinances of Bellbrook, Ohio**.

Mrs. Seger-Lawson recused herself from this issue due to her employment by an electric company.

Mrs. Dodd stated that there has not been any attempt to place one of these in Bellbrook yet. The state has finally settled on the rules. Our city’s attorney has approved it as to form. The attachment has been vetted by the Ohio Municipal League and passed the test with most other Ohio municipalities. These small cell installations are used with the 5G networks. The large cell towers spread their signals over large areas whereas these smaller ones are used to strengthen the signals in a more concentrated area.

Mrs. Middlestetter added that this was a concern about a year ago with property owners who were worried that eminent domain rules would allow these small cell facilities to be placed without approval from property owners.

Mayor Baird explained that municipalities spent money to fight this legislation at the state level. An agreement was reached and the state legislation passed. Cities wanted to have more control and not lose their home rule. These types of facilities can only be placed on public lands.

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Mrs. Dodd added that there is a hierarchy to the location consideration starting with existing poles. She is certain that as technology continues to evolve so will these regulations. Design standards are addressed including that the unit must match the pole and that any enclosure be comparable in size.

Mayor Baird clarified that this issue will be discussed again at the public hearing on this ordinance.

Mr. Edwards made a motion to introduce **Ordinance 2019-5 An Ordinance Adding Chapter 810 “Small Cell Facilities and Wireless Structures” to the Codifies Ordinances of Bellbrook, Ohio.** Mr. McGill seconded the motion. The Clerk called the roll. Mr. Edwards, yes; Mr. McGill, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mr. Schweller, yes; Mr. Baird, yes. The motion carried 6-0-1 abstention.

RESOLUTIONS

Mrs. Seger-Lawson read **Resolution 2019-C A Resolution Establishing Credit Card Policies and Procedures for the City of Bellbrook Pursuant to House Bill 312 and Compliance with Ohio Revised Code Section 717.13(A).**

City Manager, Mrs. Dodd pointed out that this credit card policy will become part of the personnel and administrative policies. The state is requiring all municipalities to have a policy in place by February 2. The state outlined what each policy has to address including who can have a credit card, what the limits are, and how to handle receipts. A compliance officer is required who is not a cardholder. This policy covers all the minimum requirements.

Mrs. Seger-Lawson made a motion to adopt **Resolution 2019-C A Resolution Establishing Credit Card Policies and Procedures for the City of Bellbrook Pursuant to House Bill 312 and Compliance with Ohio Revised Code Section 717.13(A).** The motion was seconded by Mrs. Middlestetter. The Clerk called the roll. Mrs. Seger-Lawson, yes; Mrs. Middlestetter, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mr. McGill, yes; Mr. Schweller, yes; Mr. Baird, yes. The motion passed 7-0.

Mr. Schweller read **Resolution 2019-D A Resolution Authorizing Robert L. Baird, Mayor of the City of Bellbrook, to Enter into an Amended Employment Agreement with Melissa J. Dodd, City Manager/Finance Director.** This is the result of the performance review conducted in Executive Session. The Council is very satisfied with Mrs. Dodd’s performance and recommends the increase of 2.75% and the bonus.

Mayor Baird added that Bellbrook has one of the lowest paid city managers/finance directors in the area.

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Mr. Schweller made a motion to adopt **Resolution 2019-D A Resolution Authorizing Robert L. Baird, Mayor of the City of Bellbrook, to Enter into an Amended Employment Agreement with Melissa J. Dodd, City Manager/Finance Director.** Mrs. Seger-Lawson seconded the motion. The clerk called the roll. Mr. Edwards, yes; Mr. Schweller, yes; Mr. Greenwood, yes; Mr. McGill, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion carried 7-0.

Mr. Greenwood read **Resolution 2019-E A Resolution Directing the Greene County Auditor to Enter the Delinquent Cost of Unpaid Water Bills on the Tax Duplicate for the Properties Attached Hereto.**

Mrs. Dodd explained that this is an annual legislation to assess for unpaid water bills.

Mrs. Seger-Lawson commented that this amount has been going down since the City started these assessments.

Mr. Greenwood made a motion to adopt **Resolution 2019-E A Resolution Directing the Greene County Auditor to Enter the Delinquent Cost of Unpaid Water Bills on the Tax Duplicate for the Properties Attached Hereto.** This motion was seconded by Mr. Edwards. The Clerk called the Roll. Mr. Greenwood, yes; Mr. Edwards, yes; Mr. McGill, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Mr. Schweller, yes; Mr. Baird, yes. The motion carried 7-0.

Mrs. Middlestetter read **Resolution 2019-F 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 said this legislation is usually passed in August but is being completed now.

Mrs. Middlestetter made a motion to adopt **Resolution 2019-F 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. McGill seconded the motion. The Clerk called the roll. Mrs. Middlestetter, yes; Mr. McGill, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mrs. Seger-Lawson, yes; Mr. Schweller, yes; Mr. Baird, yes. The motion passed 7-0.

CITY MANAGER REPORT

City Manager Dodd had several items to announce. The first was the Community Leaders Meeting on January 24. This was a public meeting held twice a year with City Officials, School Board, Parks Department, and Township. Most of the council members, trustees, and community leaders

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were in attendance. Each organization gives an update on notable things happening in the area. The next meeting will be hosted by the City in September.

The schools have initiated a Lunch with Leaders program where community leaders are invited to have lunch with students at the local schools. Mrs. Dodd has four passes for any of the council who would like to participate. Jennifer Hahn is coordinating the dates and times.

Mrs. Dodd introduced intern Michaela Grant. She opined that Michaela is doing a great job working on several projects including the Farmer's Market and Downtown Beautification.

The Farmer's Market is scheduled for the second Saturday of every month May through November. This year we plan to add live music and one food truck to each. Anyone interested in participating can contact the City Manager's office.

Downtown Beautification Fund has launched in partnership with Greene Giving a 501C3 organization. This is on the Bellbrook website homepage. The Village Review Board made choices from several provided for custom bike racks and benches. This program launched on Tuesday and we got our first donor on that same day! Dot's Market is sponsoring the first bench and bike rack. City staff is looking for good downtown locations. Mrs. Dodd is looking to place the first order soon so that the first wave of the items can be installed in time for the Sugar Maple Festival. Michaela designed a brochure with information and asking for sponsors. Mrs. Dodd is hoping to purchase five bike racks and five benches at first.

A Downtown Beautification Fund Committee has been formed to facilitate the fund. The committee will be considering additional ideas for using the fund, such as hanging baskets. Individuals and businesses are invited to participate and any amount is welcome. If the full price of a bench or bike rack is donated the donor will be recognized with a plaque on the item.

The Franklin Street bridge project is being discussed at the next MVRPC meeting where we will learn the final scoring of our project. Final approval would come on March 7. The funding will not be available for five years. The approval will allow the City Manager to start looking into possible grants. The OPWC has a funding mechanism that could provide funding. That could mean that the project could be funded entirely with grant money.

The City staff met with an engineer to create a plan for the Little Sugarcreek Road project. We stressed the need for pedestrian access. The engineer took pictures and looked closely at the situation.

Mr. Schweller added that a staged-approach is preferred. Trying to complete the entire project at once would be too expensive.

Mrs. Middlestetter also added that when Highview Terrace is complete there will be a walkway to downtown in that area.

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Mayor Baird mentioned the grant money from Ohio Public Works. More construction needs to be done to complete Highview Terrace before the land for the walkway can be dedicated.

A Planning and Zoning Administrative position has been posted. Mrs. Dodd hopes to interview candidates the week of February 4.

City staff met with Stephen Kircher, one of the owners of the Sans Souci property. Mr. Kircher is looking into the possibility of creating a tubing hill on the property. He loves the property and spends a lot of time enjoying the outdoors there skiing and tubing. These are early discussions and the Planning Board and City Council will be involved as it progresses. Mr. Kircher has created a website at www.Bellbrookmountain.com

COMMITTEE REPORTS

Service: Mrs. Seger-Lawson thanked the service teams for their work keeping our streets cleared during the latest snow emergencies.

Safety: Mr. Greenwood reminded the community to be careful during the extreme cold. Fire and carbon monoxide detectors need to be in working condition. Vigilance is required when using supplemental heating. People should wear layers and protect your pets.

Finance/Audit: Mr. Schweller reported on the fourth quarter financial update. Revenues continue to be on budget including the money from Ohio Public Works for the water main project on Upper Hillrise. EMS receipts are down. There is a surge in the water fund primarily from the tap-in fees from the new construction. Expenses are closely in line with the budget. Almost uncanny with how close capital expenditures came to the amount budgeted.

Mr. Schweller made a motion to accept the Fourth Quarter Financials. Mrs. Seger-Lawson seconded the motion. The clerk called the roll. Mr. Schweller, yes; Mrs. Seger-Lawson, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mr. McGill, yes; Mrs. Middlestetter, yes; Mr. Baird, yes. The motion passed 7-0.

Community Affairs: Mrs. Middlestetter reported that the committee interviewed three very qualified candidates for the open Board of Zoning Appeals and Property Review Committee seat. The committee is recommending Aaron Burke for the appointment.

Mr. Edwards seconded the motion. The clerk called the roll. Mrs. Middlestetter, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mr. McGill, yes; Mrs. Seger-Lawson, yes; Mr. Schweller, yes; Mr. Baird, yes. The motion passed 7-0.

Mrs. Middlestetter made a motion to reappoint the following board members to new terms of their respective boards Mr. Ed Stangel, Planning Board; Mr. Jeff Owens, Village Review Board; Mrs. Karen McGill, Village Review Board; Ms. Mary Graves, Records Commission; Mr. Bill Beeman,

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Representative to the Greene County Board of Health. Mr. Edwards seconded the motion. The Clerk called the roll. Mrs. Middlestetter, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mr. McGill, abstain; Mrs. Seger-Lawson, yes; Mr. Schweller, yes; Mr. Baird, yes. The motion passed 6-0.

The Council thanks all the board members for their commitment and service to their city.

OLD BUSINESS – none

NEW BUSINESS - none

OPEN DISCUSSION

ADJOURN

Being no further business to come before this regular session of the Bellbrook City Council, Mayor Baird declared the meeting adjourned at 8:12 pm.

Robert L. Baird, Mayor

Pamela Timmons, Clerk of Council