

RECORD OF PROCEEDINGS
Minutes of Bellbrook City Council Meeting
June 10, 2019

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

This is a summary of the City Council meeting held on Monday, June 10, 2019. Mayor Baird called the meeting to order at 7:00 pm and the Clerk called the roll.

ROLL CALL

Mr. Edwards, yes; Mr. Greenwood, yes; Mr. McGill, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson; 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 May 13, 2019 Mayor Baird declared the minutes approved as written.

MAYOR'S ANNOUNCEMENTS/SPECIAL GUEST

Mayor Baird officially announced that he and his wife purchased a home outside of the city limits of Bellbrook. He is moving to Sugarcreek Township. Due to this he will be resigning from his position as Mayor effective June 15, 2019. 7 ½ years as Mayor, 8 years on Council, started attending council meetings in 1991 when he was working for Dayton Power and Light and President of the Chamber of Commerce. A retiring Council Member encouraged him to run for City Council. Since then he has worked with great people including past City Managers Dave Hamilton and Mark Schlagheck. The current City Manager, Melissa Dodd, is taking the city in a new direction with the new Comprehensive Plan, grant funding, and many improvements. He thanked the Police, Fire, and Service Departments. EMT less than six minutes. Mike Schweller will become the Mayor according to the City Charter. An election will be held in November to elect the Mayor. He added that he has enjoyed his 16 years of service to the City and regretfully announces his resignation.

PUBLIC HEARTING OF ORDINANCES – none

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INTRODUCTION OF ORDINANCES

Mr. Greenwood read **Ordinance 2019-12 An Ordinance Modifying Section 1042.07 “Operation Fees” of the Bellbrook Municipal Code.**

City Manager Melissa Dodd explained that this ordinance updates the fees to be more in line with the actual costs incurred.

Mr. Greenwood made a motion to introduce **Ordinance 2019-12 An Ordinance Modifying Section 1042.07 “Operation Fees” of the Bellbrook Municipal Code.** Mr. McGill seconded the motion. The Clerk called the roll. Mr. Greenwood, yes; Mr. McGill, yes; Mr. Edwards, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Mr. Schweller, yes; Mr. Baird, abstain. The motion passed 6-0.

RESOLUTIONS

Mr. Edwards read **Resolution 2019-N A Resolution Urging the Ohio Governor and Members of the Ohio General Assembly to Restore the Local Government Fund to Pre-recession Levels.**

Mrs. Dodd explained that this resolution was requested by the Ohio Municipal League. To send it on in support of restoration. It also speaks to the decrease in state tax and tangible personal property taxes. This resolution refers to our local government fund which has lost about \$82,000 per year.

Mayor Baird added that they remember the cuts that led to merging our dispatch with Sugarcreek Township. He added that the Local Government Fund was created in 1933 when the state first began collecting sales tax. The purpose of the fund was to allow municipalities to provide services that the state could not provide. The General Assembly is in session for a few more weeks and he added that he had heard that they might be restoring a portion of the fund.

Mr. Schweller added that he would like to see the state take this step as our City has taken a pretty significant hit in this area. The state has reduced the personal income tax to 4.97% , business taxes get a \$250,000 small business deduction, the Ohio franchise tax has been totally eliminated. This would be the first benefit coming to municipalities, townships, and counties. This is for everybody in Ohio, not just businesses.

Mr. Edwards made a motion to adopt **Resolution 2019-N A Resolution Urging the Ohio Governor and Members of the Ohio General Assembly to Restore the Local Government Fund to Pre-recession Levels.** Mrs. Seger-Lawson seconded the motion. The Clerk called the roll. Mr. Edwards, yes; Mrs. Seger-Lawson, yes; Mr. Greenwood, yes; Mr. McGill, yes; Mrs. Middlestetter, yes; Mr. Schweller, yes; Mr. Baird, yes. The motion passed 7-0.

Mrs. Middlestetter read **Resolution 2019-O A Resolution in Support of the Greene County Complete Count Committee.**

Mrs. Dodd explained that this resolution is in support of the Greene County Complete Count Committee preparing for the Census that will take place on April 1, 2020. Everybody in the County is represented on this Committee. Mrs. Dodd serves on the committee. They are creating an outreach

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plan to spread information about the 2020 Census. It is very important that everyone completes the census.

Mayor Baird reiterated the importance of getting a complete count and stated that he is sure the numbers have gone up in Bellbrook and the Township.

Mr. Greenwood wanted to add that there is an opportunity for people to work for the Census. The job pays \$16.00 per hour.

Mrs. Middlestetter made a motion to adopt **Resolution 2019-O A Resolution in Support of the Greene County Complete Count Committee**. Mr. Schweller seconded the motion. The Clerk called the role. Mrs. Middlestetter, yes; Mr. Schweller, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mr. McGill, yes; Mrs. Seger-Lawson, yes; Mayor Baird, yes. The motion passed 7-0.

CITY MANAGER REPORT

City Manager Dodd reported that Bellbrook has been part of the mutual aid helping Beavercreek with cleanup after the Memorial Day tornados. Their City Manager accepted our offer and help from Xenia and Fairborn. Bellbrook has been providing two dump trucks a day to pick up brush and haul it away. Mutual aid has been coming to Beavercreek from all over. The Service Department is keeping track of the time and mileage that we are providing. Xenia Township asked to borrow one of our bucket trucks because a cemetery had been totally blocked by large fallen trees. They do not have a bucket truck of their own. Mrs. Dodd thanked the Service Director and the Staff who have worked hard to support our neighbors.

Mrs. Dodd announced that Bellbrook's 2018 financial statements were submitted at the end of May and are available on the website. The audit has begun, and we should have the completed audit report by the end of the month. This is record speed considering we received the 2017 report in the fall of 2018.

The City Manager announced that the Downtown Assessment is taking place this week on June 13 and 14. She asked that Council attend as many of the events as possible. Thursday evening includes a meeting for the City's Council and other Board members in the gymnasium of the old school building. After that, a forum will take place where the public is welcome. Friday includes smaller events for discussion. This will be a great opportunity to ask questions and get feedback to help with our plan to move forward. Information will be available on the City's web page.

Mrs. Dodd was happy to report that the City is completing a downtown street project. There was a deep drop off along the curb on E. Franklin Street. A drainage pipe is being installed and bring the pavement up to grade.

City staff is creating two new permits that were needed. One is for special events and one is for demolition.

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Mrs. Dodd updated Council on the status of the Little Sugarcreek Road project. The engineer's report has not been completed yet. She will let Council know when the report is received.

The four Little Libraries have all been installed around the city. The last ones were placed at Petrekis Park and E. Walnut Street near Bellbrook Park. Mrs. Dodd reported that the one at Petrekis Park was vandalized over the weekend. But the Girl Scouts have already cleaned it. The public is encouraged to let the City know if they see anyone tampering with the Little Libraries.

Mr. Greenwood asked about the sidewalk assessment that the city is going to perform, who was responsible for the maintenance, and what are the standards. Mrs. Dodd answered that sidewalks are the responsibility of the property owner. The City Manager went on to explain that the staff noticed that when it comes to our Ordinances the language is very vague concerning sidewalks. She said they are looking at putting some solid procedures in place. Council will have an Ordinance for consideration in the near future.

Mr. Edwards added that he knew from neighbors that it can be difficult to find a contractor who will do such a small job. He asked if there might be some kind of mechanism for property owners to utilize like have the City do the work and bill the owner or create a buying group. Mrs. Seger-Lawson recounted her own experience with contractors who wouldn't take a job for less than \$4,000. She ended up having her driveway done at the same time which was costly. Mrs. Dodd responded that the issue can be discussed further.

COMMITTEE REPORTS

Service: none

Safety: Mr. Greenwood stated that the public should look at the website concerning recreational fires for tips for burning a safe fire for you and your neighbors.

Finance/Audit: Mr. Schweller commented on the audit that in the past ten plus years the City had been automatically required to be audited by the state. Bellbrook's financials are very straight forward so the state auditors get started on them early, but then get pulled off when larger cities get theirs sent in. So, then ours don't get completed until later in the year. Starting this year our request to use a state-approved outside auditor was approved. This process is much more streamlined and is working very well.

Community Affairs: none

OLD BUSINESS - none

NEW BUSINESS

- **Initial Bellbrook Mountain Proposal Introduction by Mr. Steven Kircher**

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Mayor Baird introduced Mr. Kircher and opined that he grew up in Bellbrook when there was a ski hill that was very successful. He added that he believes this proposed business could be a great addition to our City.

Mr. Kircher came forward with an example of one of the tubes that would be used at the new hill. He began by introducing himself and the proposed business of Bellbrook Mountain LLC. This would be a snow tubing park in the city of Bellbrook. He had an agenda that he followed.

1. Bellbrook has a 100-year history of snow sports including Sugarcreek Ski Hills that operated from the 1960s through the 1980s. The proposed business would include the tubing hills mostly located on the Kircher property known as Magnetic Springs Ranch. The access road, parking, and accessory buildings would be located on part of the 47-acre City of Bellbrook property that borders the Kircher property.
2. Bellbrook Mountain LLC is made up of three owners: himself and his brothers, Conrad Kircher and Andrew Kircher. As an attorney, Conrad would handle the executive functions. Steve would be in charge of operations. Andrew, who is living outside of the U.S. would be a silent partner at this time. Others who are part of the team include Carrie Kircher, caretaker Greg Grisel, landscaper Bob Vigas, Judd Powell, Yuri Freudenschuss, Bill Lane, Todd Lecklider, Steven Berryhill, and others. His chief consultant is Ron Wesler who has built and run a business like this. He also listed others who support his plan.
3. The general plan is to build four lane hills. These could support 200 visitors at a time with a maximum of 1,000 a day. The season in Ohio runs from approximately December 15th through March 15th. The business is weather dependent. Other similar businesses are open Wednesday through Sunday. In general, the hours would be 10:00 am until 10:00 pm. Mr. Kircher projects need to create a 200-car graveled parking lot and would improve the access road off of Waynesville Road to two lanes. Mr. Kircher recounted that Jeff Green told him to speak to the County engineer to have a traffic study done. Lighting is needed for the access road, parking lot, and the tubing hills. His plans call for six snow making machines, four permanent and two on carriages that can be moved. Temporary trailers would be required for ticketing and restrooms. A warming hut called a yurt would be set up during the open season. The yurt requires a concrete pad which would be the only permanent part on the City's land. The maintenance building, business offices, pump house and any other permanent structures would be on Kircher land. Tentatively the opening date is December 15, 2022 giving plenty of time to get more detailed plans made and meet with the City to sign agreements. Mr. Kircher added that they will need access to the creek to get water for the snow-making machines. The business requires three phase electric. Mr. Kircher explained that the cell tower on the property has electric as does the city's water building.
4. Bellbrook Mountain LLC is requesting consideration by the City of Bellbrook for an agreement to use the former well field land for this joint venture between their private business and the City. The business is self-funded and not requesting any financial help from the City. They have sufficient funds to create and begin operations with enough remaining to get them through any difficulties in the beginning.
5. Mr. Kircher thanked the City Council for listening and considering this project. He knows the City must make some concessions to allow this, most importantly, the use of the land.

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Mayor Baird said he thought the timeline was achievable. He added that this proposal would need to be reviewed and approved by the Planning Board and possibly the BZA. More details will be needed.

Mrs. Seger-Lawson asked if it would take up all of the Kircher property. Mr. Kircher answered that the business would only use about 2 acres of the entire property. The rest would stay as it is.

Mr. Edwards added that he likes the concept and supports looking into it further.

Mr. Greenwood stated that the land is a wellfield protection area and floodplain. It has to be treated as such. Mr. Kircher explained that only the parking area is located in that area. Mr. Greenwood asked about the water for snow making. Mr. Kircher said there are three options for attaining water. The first choice is to get it directly from Little Sugarcreek using a pump house he would build on his land. Using surface water uses less energy since it is colder. Second choice is from the Big Sugarcreek that runs through the Kircher property. If surface water is not an option, they would put in wells and pump water into a retention pond. This is very efficient. The Ohio Department of Natural Resources has restrictions on how much water you can take out of a stream. But the amount we would use meets the requirements and if it didn't there are permitted uses that would be allowed. The water would only be used to make snow which runs back into the stream when it melts. Only 5% is lost to evaporation.

Mr. McGill opined that the proposal is forward-thinking and sounds feasible at this point.

Mrs. Middlestetter asked for clarification on where the snow-making machines would be located. Mr. Kircher answered that the four permanent machines would be on Kircher property. The two moveable machines might at times be used on the run-out areas of the tubing runs which will be on City property. Mrs. Middlestetter asked about any concerns about the noise. Mr. Kircher said that there is a link on their website where a similar business made a recorded study of the noise and light conditions of these businesses. They are not loud or a nuisance.

Mayor Baird added that these are good questions and he is sure there are more that should be asked at other meetings with the Kirchers.

Mrs. Seger-Lawson added that they should start talking to DP&L as soon as possible as this can take a lot of time. Mr. Kircher said he plans to start that process if he feels the City is wanting to move forward.

Mr. Schweller thanked Mr. Kircher and said the staff and Council should discuss this more and then meet again with Mr. Kircher.

- **Severe Weather Warning and Emergency Operations**

Mrs. Dodd said that after the Memorial Day tornadoes she researched where Bellbrook was in terms of emergency operations. She met with the Police Chief, Fire Chief, and Service Director. The current Emergency Operations Plan needs to be rewritten with more information and specifics pertinent to Bellbrook. Mrs. Dodd is beginning that process.

The City Manager reported that her research shows that at one time Bellbrook had one tornado siren but it was removed about 20 years ago when it needed costly repairs. She discovered that in 2017 Bellbrook and Sugarcreek Township applied for a grant to purchase seven sirens for \$200,000. The

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grant was not received and nothing else happened with the sirens. In 2015 a former Fire Department employee conducted a survey with residents and similar sized communities. The research Mrs. Dodd did shows that one siren would cost about \$20,000 (plus the cost of software). Sirens are only meant for use out of doors. Mrs. Dodd opined that many people still depend on the sirens.

In 2012 Bellbrook went in with 10 other entities to join HyperReach. This program cost the City \$1,100. The system is activated when the National Weather Service puts out a warning. It uses the 911 database which is only landlines. Cell phone users need to sign up for the service linking to their property address. At that point only 8% of our population had signed up. We are trying to get word out for citizens to sign up. As of last week 10,570 people were signed up. We also put on the website instructions for setting up your cell phone to receive notifications. The HyperReach service can be even more specific in notifications since it accesses address information. The City is trying to educate the public.

Mrs. Seger-Lawson added that there are other weather apps that people can subscribe to such as WHIO.

Mr. Greenwood opined that maybe the City should have another discussion with the Township about sirens.

Mr. Schweller added that we should add the HyperReach information in the next newsletter. He also asked if there might be any current grants that could be available so the City can make the best decision. Mrs. Dodd said she would look into it.

Mr. McGill stated that he found some guidelines that a city in another state had used because they did not have sirens. Emergency Management Association, local government, Amateur Radio Club, and others should be part of Bellbrook's plan.

OPEN DISCUSSION

Each of the Council members expressed their thanks and appreciation for Mayor Baird's leadership and direction over his years as mayor.

Mr. Schweller also added that the Mayor and Council meet regularly and work behind the scenes for our City. None of them do it for the money, in fact, the Mayor only receives \$6,000 per year. It requires a ton of devotion and commitment.

Mayor Baird thanked Council for their kind words and for their hard work. He said that he has really enjoyed working for the City and leaving was a very hard decision.

Steve Baldinger 1982 N. Sheffield Drive, explained that he appreciates the research the City Manager is doing concerning tornado sirens. He was a weather forecaster for the Air Force for 26 years. He believes that HyperReach is a good system. He opined that there are occasions when people do not have their cell phones on and that if even only one life is saved by a siren isn't the \$20-40,000 worth it. Sirens are another important safeguard.

Louis Schatzberg, 4082 Ridgetop Drive, thanked Mayor Baird for his positive attitude and his service.

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David Buccalo, Lower Hillside Drive, wants Council to know about a situation in his neighborhood with loose dogs. He and other residents have made complaints about these animals. He feels his street is not safe. He shared a copy of an online threat he received since complaining about these animals. He wants to have this situation resolved and is requesting the City, the Police, and Animal Control take care of it. Mayor Baird replied that this is a Police matter and there are ordinances concerning loose and dangerous animals. Mr. Buccalo returned to the podium to state that he had been harassed again by the dogs' owner who was in the audience.

LaKisha Taylor, 153 Hess Road, announced that she is the owner of the dogs. She has a fence and invisible fence. The dogs have gotten loose when the invisible fence was not working and there is a hole in the fence. These problems are being repaired. The cost of the repairs along with the fines have made it more difficult for her to fix the problem. Ms. Taylor reports that she has been harassed on social media.

ADJOURN

Being no further business to come before this regular session of the Bellbrook City Council, Mayor Baird declared the meeting adjourned at 8:35 pm.

Robert L. Baird, Mayor

Pamela Timmons, Clerk of Council