

**RECORD OF PROCEEDINGS**  
Minutes of Bellbrook City Council Meeting  
July 8, 2019

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

This is a summary of the City Council meeting held on Monday, June 24, 2019. Mayor Schweller 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; Mayor Schweller, yes.

**FORMAL APPROVAL OF MINUTES**

After polling members of City Council, as there were no corrections or additions to the regular meeting minutes of June 24, 2019 Mayor Schweller declared the minutes approved as written.

**MAYOR'S ANNOUNCEMENTS/SPECIAL GUEST**

**PUBLIC HEARTING OF ORDINANCES**

Mr. Edwards read **Ordinance 2019-13 An Ordinance Authorizing the City Manager/Finance Director to Submit the Tax Budget for Fiscal Year 2020 to the Greene County Auditor.**

City Manager Dodd explained that this is a first pass at the budget. These numbers reflect the amounts collected by property taxes and were supplied by the County. The rest of the numbers are estimations that demonstrate our need for the money collected through property taxes.

Mr. Edwards made a motion to adopt **Ordinance 2019-13 An Ordinance Authorizing the City Manager/Finance Director to Submit the Tax Budget for the Fiscal Year 2020 to the Greene County Auditor.** 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; Mayor Schweller, yes. The motion passed 6-0.

**INTRODUCTION OF ORDINANCES** - none

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**RESOLUTIONS**

Mr. Greenwood read **Resolution 2019-R A Resolution Approving an Agreement for the Appointment of Stephen M. McHugh as the Municipal Attorney.** Mr. Greenwood added that he researched Mr. McHugh and discovered that he is a “super lawyer” which means he has reached a high status level.

Mr. Schweller stated that he has heard Mr. McHugh speak a few times in the past at Sinclair Community College and is very knowledgeable. He is a good replacement for Amy Blankenship who worked under him at one time.

Mrs. Dodd explained that he also represents Beavercreek, Trotwood, and Butler Township. He has 30 years of experience and honored the same rate and terms of the contract that we had with Amy Blankenship.

Mr. Greenwood made a motion to adopt **Resolution 2019- R A Resolution Approving an Agreement for the Appointment of Stephen M. McHugh as the Municipal Attorney.** 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; Mayor Schweller, yes. The motion passed 6-0.

Mr. McGill read **Resolution 2019-S A Resolution Amending the Solid Waste and Recycling Contract with Rumpke of Ohio, Inc.**

Mrs. Dodd explained that this change to the rate the city is being charged is due to the new gas tax that affects the garbage and recycling trucks. This increase is only .09 cents adds \$243.00 per month. This will not adversely affect the city’s budget.

Mrs. Middlestetter asked if this will be passed on to the citizens. Mrs. Dodd explained that the rate increase that was already approved earlier this year makes another increase unnecessary.

Mr. McGill made a motion to adopt **Resolution 2019-S A Resolution Amending the Solid Waste and Recycling Contract with Rumpke of Ohio, Inc.** Mrs. Middlestetter seconded the motion. The Clerk called the role. Mr. McGill, yes; Mrs. Middlestetter, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mrs. Seger-Lawson, yes; Mayor Schweller, yes. The motion passed 6-0.

Mrs. Middlestetter read **Resolution 2019-T A Resolution Authorizing the City Manager to Adjust the Pay Scales of City Positions Not Covered by a Collective Bargaining Agreement.**

Mrs. Dodd said this equals a pay increase of 2.75%. This will align with the increase that will be coming for the collective bargaining agreement. She also explained that the total for salaries are lower than previous years due to higher paid employees leaving and being replaced by newer, lower paid employees. So the salaries included in the 2020 budget will also be lower.

Mrs. Seger-Lawson asked about the section concerning lump-sum payments. Mrs. Dodd explained that she left that item in the resolution because there still might be one employee that still falls outside of the scales. At one time there were three or four employees outside of the scales but they have left. If necessary the one employee will be paid the difference in a lump sum without an increase in their salary.

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She relayed a situation where an employee was demoted by was being paid at a different pay scale. This situation is being remedied.

Mr. Greenwood commented that there has been a lot of employee turnover in the past year and that the nomenclature has changed. He asked about the new titles. Mrs. Dodd agreed that the City lost a lot of people who retired. She explained that there are still a couple of titles on the scales such as Senior Secretary were previously listed. Now the title Administrative Assistant is being used to streamline the positions of Utility Billing, Accounts Payable and Payroll, and Police Administration. All three of those are support-type roles on the same level. The Service Department has a Senior Secretary position which Mrs. Dodd has left as is. She has also added a Planning and Zoning Assistant who also took on the duties of the Code Enforcement Officer. The new position replaced the Assistant to the City Manager. A Deputy Chief was added to the Fire Department after the passage of the Fire levy. Previously the Clerk of Council was an Administrative Assistant who also had duties for the City Manager. When that person left it made more sense to Mrs. Dodd to split that role and hire a Clerk for the Council.

Mr. Greenwood asked if these new positions had specific qualifications that have to be met and can these employees transfer these skills somewhere else if they chose to leave. Mrs. Dodd answered yes and that due to the City staff's small size everyone wears several hats. With the exception of the police, everyone else perform multiple functions. The firefighters are also EMTs and paramedics, and almost all of the Service Department employees have their water licenses. We maximize our staff and everyone keeps very busy.

Mr. Greenwood asked how the pay scale steps work. Mrs. Dodd explained that these might change annually with pay increases. Another way to move up a step is to get a new license or promotion. Mrs. Dodd added that she encourages education and training. Mr. Greenwood said he doesn't want the titles to be confusing.

Mr. Schweller wanted to clarify that there is no one above their pay grade at this time.

Mrs. Middlestetter made a motion to adopt **Resolution 2019-T A Resolution Authorizing the City Manager to Adjust the Pay Scales of City Positions Not Covered by a Collective Bargaining Agreement.** The motion was seconded by Mrs. Seger-Lawson. The Clerk called the roll. Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mr. McGill, yes; Mayor Schweller, yes. The motion passed 6-0.

Mrs. Seger-Lawson read **Resolution 2019-U A Resolution Authorizing the City Manager to Include the Position of Custodian into the Pay Scales of the City of Bellbrook.**

The City Manager explained that for the last eight years the City has used a custodial service. The custodian who had been assigned to Bellbrook will no longer be able to complete this work. The Service Department's Senior Secretary started working for the City as the custodian. When she moved into the role with the Service Department the City contracted with an outside company. The custodian we have had for the last eight years has been wonderful but he had a full-time opportunity and is leaving for that reason. The contractor has not been successful in finding a replacement. Mrs. Dodd stated that they have discovered that it would be less expensive to hire our own custodian who we can vet and have

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authority over. If current custodian was sick we would not get service that day. By hiring our own we have more control.

Mr. Edwards asked what the cost is. Mrs. Dodd answered that the City is currently paying \$1,000.00 per month. The proposed pay scale for a custodian will be \$14.00 an hour for approximately 15 hours per week. So this will save the City money. This is true even after accounting for the 14% PERS cost, it is less expensive.

Mr. Edwards asked if anyone remembered why the City had decided to go with an outside contractor. The other Council members did not recall the decision but everyone assumes it was economical.

Mrs. Middlestetter asked how many building the custodian services. Mrs. Dodd answered that it is just the Administrative building which also includes the Police Department.

Mrs. Dodd stated that once the Council approves the Resolution she will post the job opening. The position is part-time two days a week.

Mrs. Seger-Lawson made a motion to adopt **Resolution 2019-U A Resolution Authorizing the City Manager to Include the Position of Custodian into the Pay Scales of the City of Bellbrook**. Mrs. Middlestetter seconded the motion. The Clerk called the roll. Mrs. Seger-Lawson, yes; Mrs. Middlestetter, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mr. McGill, yes; Mayor Schweller, yes. The motion passed 6-0.

### **CITY MANAGER REPORT**

City Manager Dodd asked that everyone mark their calendars for Thursday, July 18 when Jeff Siegler will be back in town with his recommendations concerning the Downtown Assessment. There will be a meeting at noon at El Toro for any citizen interested in the board Mr. Siegler is proposing. There will be a meeting for all of Council and Board members at 5:30 at the Middle School. The Mr. Siegler will present his ideas to the public at 7:00 PM at the Middle School.

The City Manager attended a meeting on June 24 concerning the Greene County Master Trails Plan. This was an introductory meeting where the approximately 30 attendees looked at maps and talked about plans. It was mentioned that a monetary commitment may be necessary in the future. She said that one of the County Commissioners was present.

The Farmer's Market is expanding to two Saturdays a month according to Mrs. Dodd. There are new vendors and a new coffee truck that has just opened for business by a Bellbrook citizen.

At the next City Council meeting oaths will be taken by two Police Officers. One is a new hire and one is a promotion. This will bring the Police Department to full staffed.

Mr. Greenwood asked about the signs for Bellbrook Plaza that have been added and a sign for the Saturday Street Fairs on the Bridge. Mrs. Dodd explained that originally the parking signs were put up during a community event to help direct the public. The sign on the bridge advertises the Saturday Street Fairs since those are also community events. Mr. Greenwood stated that has heard questions from the

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public about the signs that point back to the Plaza. He added that he thinks they detract from the look of the street and that it is a safety issue too. Mrs. Dodd explained that sign was created as a temporary sign as the City determines the best way to direct people especially since the access point in front of the Dairy Shed has been eliminated. The large Bellbrook Plaza sign is going to be changed to be more cohesive and understandable. Plus, the City received the grant that will allow a sidewalk to be built on N. West Street to make it safer. As for the crosswalk, Mrs. Dodd has met with the Service Director to discuss ideas to make the crosswalk more visible and safer. The main entrance to the Plaza is off of N. West Street and the city is looking into the most effective way-finding measures. Mr. Schweller added that at Austin Landing they painted the crosswalks a deep red checkerboard with white on the borders to try to bring attention to them for safety reasons also. Mrs. Dodd opined that might be privately owned versus our street which is a state route. Mrs. Seger-Lawson says the width of the street sometimes makes it more difficult for drivers to see pedestrians and it is not a common thing they are looking for. Mrs. Middlestetter added that the city has not been enforcing the crosswalks. Mrs. Dodd and the Service Director were looking at the location of the crosswalk that is going to be added from the Lawnmower Shop to Dot's Market.

Mrs. Seger-Lawson reported that people have asked if the access point in front of the Dairy Shed will ever be opened back up. Mrs. Dodd explained that it will not and that it is actually on private property and not a City street. The closed off entrance is actually a private parking lot. The plan is to take out the asphalt and add a curb there to permanently close that access point.

The City does own an alley behind the large Bellbrook Plaza sign. But it is no longer even paved or a clear path that could never be operational. Mayor Schweller suggests we vacate it so there is no liability to the city.

Mrs. Dodd added that owner of the Bellbrook Plaza did some resurfacing of the pavement and asked about also doing the city owned street that runs along the property. So the City offered to pay for the striping which cost \$600.00.

Mr. Greenwood asked about banners that hang over the street. Mrs. Dodd explained that a banner would be tricky because the city would need to use the utility poles that are not owned by the city. Half of the poles are owned by DP&L and half by Miami Valley Lighting. She added that the utility company has started cracking down on attaching things to the poles. We are only allowed to have anything up on the poles 180 days out of the year and nothing with electricity going to it. After 180 days the city can be fined \$10.00 a day. This means that the snowflakes cannot be hung back up ever again. Mr. Greenwood asked if we could put up poles of our own. The City Manager replied that she has been researching that idea. She has asked Miami Valley Lighting for pricing for erecting our own decorative lighting but has not gotten a quote yet. The person at Miami Valley Lighting said that lighting could be purchased outright or on a payment plan. Mrs. Dodd would suggest implementing new lighting in waves beginning with two blocks going outward from the intersection of Franklin and Main. Then adding more every couple of years. The amount of light and how many we will need is still unknown at this point. Mrs. Seger-Lawson agreed that decorative lighting would spruce up the downtown. Mrs. Middlestetter asked if this would be in addition to the lighting and poles we already have. Mrs. Dodd explained that the city pays rent on the poles. So we would probably negate that contract and remove those poles. It is very

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disappointing to know that the city cannot put up the snowflakes again. The only poles the city owns and that have electricity are the four at the main intersection. These are new regulations put in place by the utility company.

**COMMITTEE REPORTS**

**Service:** none

**Safety:** Mr. Greenwood spoke with Sugarcreek Township Trustee Mike Pittman about tornado sirens. He said they would like to start a conversation and invited Mr. Greenwood to speak at an upcoming meeting.

**Finance/Audit:** Mr. Schweller reported that the audit is complete. It should be available on the website soon. The wrap up call with the auditors will take place tomorrow.

**Community Affairs:** Mrs. Middlestetter reported that the city has received resumes from citizens interested in the vacant council seat and interviews will be taking place in the next two weeks.

**OLD BUSINESS**

Bellbrook Mountain LLC.

City Manager Dodd explained that the goal is to find out what information and questions Council wants to see from the city staff and from Mr. Kircher.

Mayor Schweller added that this is a big undertaking and considering that Bellbrook does not have an income tax, there is not much benefit in it for the city except exposure. But the city would have to be a key player in this project since it requires city owned land and resources.

Mrs. Dodd wants to make sure they are gathering the right information and not missing anything. She opined that her biggest concern is the water. When she originally spoke to Mr. Kircher she was told the water would come from a pond, but during the presentation it was stated that it would come from the Little Sugarcreek. Mrs. Dodd has been in contact with the Ohio Department of Natural Resources (ODNR) and was instructed to contact the EPA and possibly the Army Corps of Engineers. She opined that this is an important piece to figure out before getting too far along in this process. If the water is an issue then you can't make the snow and you can't have a snow tubing business. She asked Council if there are other issues that they want to have investigated further. The City Manager asked the Council members to email their questions and concerns to her.

Mr. Schweller agreed and added that he has a concern about the liability and who cleans up the mess if the business is vacated.

Mrs. Seger-Lawson asked to look into whether extra fire and police would be needed on days when the business is operating.

Mr. Greenwood stated that it was his understanding that this project was not supposed to be any cost to the city. Mrs. Seger-Lawson asked if the city should get something for letting them use city land. He

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added that the city should have our attorney look at this proposal. And then the Mayor added that we would then want them to pay the legal fees. Mrs. Dodd added that some of the questions will have to go to Mr. Kircher because he is the only one who knows the answers. She added that she doesn't even know the exact amount of acreage that is being discussed. She opined that she understands Mr. Kircher doesn't want to go to the expense of getting a full site plan produced if Council is not interested in pursuing the proposal.

Mayor Schweller directed Council to email these items to the City Manager by the end of the week. Staff could do their research and have this information ready for the Council to review in a work session. He said this topic is being talked about after the segment on the local news and in the Dayton Daily News.

### **NEW BUSINESS**

#### Council Vacancy

Clerk of Council Pamela Timmons explained the process for filling the vacancy on Council. The vacancy is due to Mr. Baird moving outside of the city limits which precipitated his resignation. By charter, the Deputy Mayor automatically becomes the Mayor. Mr. Schweller was sworn in as Mayor on June 18. So Mr. Schweller's seat is vacant. Per the charter, Council has 60 days to fill the vacancy. The opening was posted and resumes were accepted through June 28. The next step is for Council to interview the candidates and make a decision. The new Council member will be appointed and sworn in at the next City Council meeting. The length of the term is a question we have the new municipal attorney reviewing. The Clerk's understanding of the charter would have unexpired term through December 31, 2021.

### **OPEN DISCUSSION**

Mr. McGill reported doing research on tornado sirens and shared the three levels of action the federal government recommends people utilize. The first is having a NOAA weather radio that cost about \$29.00. These radios receive transmissions from the weather bureau. The second is a phone notification system like the HyperReach system that Bellbrook has. The third is outdoor sirens. These have to meet a federal decibel level of 130 decibels. If the city were separated into quadrants, three sirens would be appropriate. Each siren costs approximately \$20,000.00 and then there are software costs. The total would be somewhere around \$100,000.00. After that the ongoing cost would include the testing and any necessary software updates. There are grants and FEMA money available to help put these systems into place.

Mrs. Seger-Lawson shared that there are going to be changes to school transportation. There will be no buses for Junior and Senior High School students who will now have to drive to school. And due to busing changes the High School time is changing and will now be 8:00 AM until 3:00 PM. Elementary through high school students will ride together on the same bus. Citizens should check the school's website for more information.

Mayor Schweller thanked Mr. Schatzberg the camera operator.

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**EXECUTIVE SESSION**

At 8:10 PM Mr. McGill made a motion to enter into **Executive Session to discuss the appointment of a public official**. The motion was seconded by Mrs. Middlestetter.

Mrs. Middlestetter made a motion to end the Executive Session and return to open session. This was seconded by Mr. McGill.

**ADJOURN**

Being no further business to come before this regular session of the Bellbrook City Council, Mayor Schweller declared the meeting adjourned at 8:37 pm.

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Michael W. Schweller, Mayor

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Pamela Timmons, Clerk of Council