

**RECORD OF PROCEEDINGS**  
Minutes of Bellbrook City Council Meeting  
August 26, 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, August 26, 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, yes; 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 August 12, 2019 Mayor Schweller declared the minutes approved as written.

**MAYOR'S ANNOUNCEMENTS/SPECIAL GUEST**

Mayor Schweller administered the oath of office to Dr. David Van Veldhuizen. Council interviewed nine candidates for the position. Dr. Van Veldhuizen has been serving as the Chair of the Planning Board and the Council members believes he will be a great addition to Council. The Mayor invited Dr. Van Veldhuizen to take his seat for the remainder of the meeting.

Tony Cali, owner of a local All State Insurance office, Revitalization community organization. After the Revitalization meetings led by consultant Jeff Siegler, there has been a positive response and a community group is being formed to support various efforts of Bellbrook. An Executive Committee has been selected and regular meetings will begin on September 10 and will be held on Thursdays through November. A name and mission statement will be chosen in the coming months. The plan is to operate as a hub for collecting ideas, talent, volunteers and aiding small group efforts. A local IT person is researching software that could tie in the database that is being created and communications. The database of citizen's skill sets is a must for utilizing people's passions to complete service projects. Some of the efforts will come from the revitalization ideas while others will be focused on maintaining the historic charm of the area. The goal is to have two projects underway by February. The committee represents residents, businesses, and property owners. Mr. Cali opined that he would define success as the committee with community support identifying projects, raising funding, organizing volunteers to complete projects with clear and cooperative input. The committee is made up of himself as the Chair, Melissa Jones as Secretary, Christina Pearson as Treasurer, and Brian Koch, Pam Cook, Pete Wixtred, and Jen Bock as committee members.

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Ashley Puchalski was representing the High School Football Cheerleaders requested permission to decorate around downtown next Wednesday before the first home game. They have done this in previous years and they always clean everything up at the end of the season. They know the rules for where decorations can be placed. Council is happy to allow this again this year.

#### **PUBLIC HEARING OF ORDINANCES** - none

#### **INTRODUCTION OF ORDINANCES** - none

#### **RESOLUTIONS**

Mr. Greenwood read **Resolution 2019-X A Resolution Designating the Kindness All Around Symbol as the Official symbol of Kindness for Bellbrook, Ohio.**

City Manager Mrs. Dodd explained that last Thursday Mrs. Elizabeth Davis brought this proposal to her. Elizabeth Davis, 4088 Nedra Drive, explained that she is friends with the kindergarten teacher in Florida whose class started this project because her students felt people need to show more kindness all around. They are working to take this symbol national.

Mrs. Dodd was inspired by the idea and thought it would be a wonderful idea to paint the symbol on the city garage door as a picture/selfie spot during the Lion's Club Bellbrook Summer Festival that weekend. Five people including Chief Doherty, Misti Garcia, and Melissa Jones joined Mrs. Davis and Mrs. Dodd to paint the symbol.

Mrs. Davis shared all of this with the Florida teacher, Barb Wilcox, who was thrilled. An article about this project is on [www.change.org](http://www.change.org). If this resolution is passed, we will be the first place outside of Florida to participate.

Council thanked Mrs. Davis for this wonderful idea and Mrs. Dodd for acting so quickly to get it painted.

Mr. Greenwood made a motion to adopt **Resolution 2019-X A Resolution Designating the Kindness All Around Symbol as the Official symbol of Kindness for Bellbrook, Ohio.** 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; Dr. Van Veldhuizen, yes; Mayor Schweller, yes. The motion passed 7-0.

Mrs. Middlestetter read **Resolution 2019-Y a Resolution Authorizing the City Manager to Sign an Agreement with the City of Xenia for Prosecution Services.**

City Manager, Mrs. Dodd was approached by the new Xenia Law Director, Donnette Fisher, about our contract for prosecution services that ended in April of 2019. Bellbrook has paid for services through October 31. This new contract is substantially the same and is effective November 1, 2019 through December 31, 2022. It includes the same 2 percent per year increase as our old contract. Ms. Fisher also offered her services for property maintenance questions and legal advice. Chief Doherty has also reviewed the contract and is in agreement.

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Mayor Schweller asked if the City will still have involvement with the previous attorney, Ron Lewis. Mrs. Dodd answered that we will not as he is going to be a judge.

Mrs. Seger-Lawson asked why the dates on the contract and the effective dates were different. Mrs. Dodd answered they are different because the previous contract ended April 30, but the city has paid through October 30. Mrs. Dodd will make the clarification and correction on the contract.

Mr. Edwards asked if the City Manager knew how much was spent on this last year. Mrs. Dodd did not know without checking the files. Mr. Edwards asked what the services will cost for the new services offered. Mrs. Dodd explained that Ms. Fisher made the offer for additional services if the City requires them. The City has Steve McHugh as its Law Director for all legislative matters and questions outside of ones concerning prosecution. Mrs. Dodd answered that City does use these prosecution services, but we haven't gone past the standard amount included in the contract.

Mr. Greenwood opined that this is a good plan considering all Bellbrook's prosecution issues are handled through the County court in Xenia.

Mr. Schweller agreed that this arraignment has streamlined issues and worked out well for the City. He added that any monies collected by the courts goes to cover the prosecution costs and the City receives none of that money.

Mrs. Middlestetter made a motion to adopt **Resolution 2019-Y a Resolution Authorizing the City Manager to Sign an Agreement with the City of Xenia for Prosecution Services**. 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; Dr. Van Veldhuizen, yes; Mayor Schweller, yes. The motion passed 7-0.

Mrs. Seger-Lawson read **Resolution 2019-Z A Resolution Authorizing the City Manager to Approve the Participatory Legislation for the State of Ohio Department of Transportation Related to the Franklin Street Path Project (PID No. 110612)**.

The City Manager explained that this is part of the MVRPC alternative transportation grant that Bellbrook was awarded to create a pedestrian path over the south side of the Franklin Street bridge with a curb and crosswalks. ODOT administers the work. This resolution is the standard that ODOT requires that allows us to turn the project over to them to facilitate and we will pay our share. The attachment includes the detail of how the project will proceed. The reason why we are putting this resolution on the agenda now is that the next resolution, number 2019-AA, authorizes the City Manager to sign an agreement with LJB, Inc. for the design work that is necessary to proceed. The original plan was for Bellbrook to receive the grant money in 2023. But ODOT has informed Mrs. Dodd that since the project is relatively small it might be possible to begin the project sooner.

Mr. Greenwood asked which alley was the delineator of the east end of this project. He recounted that the alleys are numbered (or were back in 1844). Mrs. Dodd answered that she was unaware of numbering and only knows that it is the alley next to the Lawnmower Shop. Mr. Greenwood also asked about beams being replaced. Mr. Dan Hoying from LJB Design answered that replacing three beams to increase strength was in the original scope of the project. ODOT changed the plan to leave the beams but to replace the asphalt with three inches of concrete deck. The plan does not actually

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widen the road but uses the section that is currently striped. The guardrail will be replaced by a better, more aesthetic railing.

Mrs. Middlestetter asked if completing this project will affect the future need to add a left turn only lane to the east-bound side of Franklin at Little Sugarcreek Road. Mr. Hoying answered that this project will not prohibit that. It might require some curb work to be redone with the cost being minimal but paid entirely by the City.

Mrs. Seger-Lawson made a motion to adopt **Resolution 2019-Z A Resolution Authorizing the City Manager to Approve the Participatory Legislation for the State of Ohio Department of Transportation Related to the Franklin Street Path Project (PID No. 110612)**. Mr. Greenwood seconded the motion. The Clerk called the roll. Mrs. Seger-Lawson, yes; Mr. Greenwood, yes; Mr. Edwards, yes; Mr. McGill, yes; Mrs. Middlestetter, yes; Dr. Van Veldhuizen, yes; Mayor Schweller, yes. The motion passed 7-0.

Mr. Edwards read **Resolution 2019-AA a Resolution Authorizing the City Manager to Enter Into an Agreement with LJB, Inc. for Preliminary Design Engineering Services for Pedestrian Improvements on the Franklin Street Bridge**.

City Manager Melissa Dodd explained that this Resolution is related to the one before it. This is to hire LJB Engineering to do the preliminary engineering for the project. This is the first step to prepare the City for the Franklin Street Bridge Path Project. As part of the grant, the city is responsible for the cost of the preliminary engineering. This will have to be included in a supplemental appropriation ordinance since it was not budgeted for 2019. This will come out of the Streets Fund which includes the money from the permissible tax that began in July 1, 2019. The projected earnings from the gas tax should be approximately \$70,000.

Mr. Edwards made a motion to adopt **Resolution 2019-AA a Resolution Authorizing the City Manager to Enter Into an Agreement with LJB, Inc. for Preliminary Design Engineering Services for Pedestrian Improvements on the Franklin Street Bridge**. Mr. McGill seconded the motion. The Clerk called the roll. Mr. Edwards, yes; Mr. McGill, yes; Mr. Greenwood, yes; Mr. Edwards, yes; Mr. McGill, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Dr. Van Veldhuizen, yes; Mayor Schweller, yes. The motion passed 7-0.

## **COMMITTEE REPORTS**

**Service:** Mrs. Seger-Lawson reported that the annual paving program will begin later this week weather permitting. The Service Department estimates that it will take two days to mill and two days to pave. The roads being paved this year are Dane Lane, Dane Court, Firebird Drive, Hillcrest Drive, Kim Court and Shadowood Circle.

**Safety:** Mr. Greenwood updated the Council on tornado sirens. Mr. Greenwood attended a Sugarcreek Township trustee's meeting on August 19. In attendance were Barry Tiffany, Mike Pittman, Caroline Destefani, Nadine Daugherty, and Mike Brown. They are also looking into tornado sirens. They also use HyperReach like we do. The Township Fire Chief does not think sirens are effective as does the Bellbrook Fire Chief. Some of the problems with tornado sirens

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are cost, coverage, and sound insulation of newer homes. A few weeks ago, Channel 7 did a report on sirens in the city of Dayton. Dayton does not have them either for many of the reasons we have discussed. Mr. Greenwood will continue to make inquiries and report back to Council in the fall. Mr. Greenwood added that sirens might be outdated and systems like HyperReach a better alternative. More education needs to be done for our citizens about this service. He asked if the service can be tested. Mr. McGill agreed with Mr. Greenwood and added that the NOAA weather radios are very useful.

Mayor Schweller asked that the information about HyperReach continue to be included on the website and the quarterly newsletter.

#### **Finance/Audit:** none

**Community Affairs:** Mrs. Middlestetter announced that the City is accepting applications for a vacant position on the Planning Board for 30 days.

#### **OLD BUSINESS** - none

#### **NEW BUSINESS**

- Little Sugarcreek Road Study – Dan Hoying, LJB Design

Mrs. Dodd introduced Mr. Hoying who will present information about the Little Sugarcreek Feasibility Study. The full report will be available on the City's web page.

Mr. Hoying explained the goal of the study was to evaluate alternatives for the structural reinforcement and the potential addition of pedestrian facilities along that corridor. It is a 2,600-foot-long stretch of road starting at Franklin Street (725) and ending past Magee Park at the intersection of Little Sugarcreek and Vineyard Way. Looking at improving safety for pedestrians from the neighborhoods to downtown. A map showed this corridor highlighted in yellow with the area of the 2019 slippage marked in red. The landslide had gone to the edge of the pavement. This was the area where the geotechnical engineers at Geotechnology took three or four borings down to the bedrock to understand if the slippage was in the strata or down at interface of the soil and the bedrock. They also did a limited field survey which included things like elevations of private drives in general to the nearest foot in case there would need to be changes to the west side of the road. GIS information was used to establish boundaries including the elevations that were used. This information was combined into a base map that allows them to develop alternatives at different cross-sections. All of this is combined to get to cost estimates looking at this in two phases.

Initially LJB did not want to rule out improvements on both sides of the road including the possibility of an elevated sidewalk. But after conferring with Geotechnology, the stability of the road improvements that are necessary and the topography make more sense for all improvements to be made on the east side of the road. This also means that the road and its center line will remain in its current location further keeping the costs down.

A phased approach is being recommended with the site of the slippage being the first 300-400 foot section completed. This section is in critical need of repair. The current guard rail is not being supported. This area is currently marked with cones. This is Phase 1. Instead of being a band aid fix, it

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will be the first segment of the overall project. In 2018 there had been previous landslide issues where pavement settled, and the city road crew had made repairs.

The geotechnical report recommends a pier and plug wall type. The slip occurred 11-15-foot underground just above the bedrock. This type of construction involves drilling 8 foot into the bedrock to hold the road in place. In places going all the way down the strata and into the bedrock there will be 23 foot tall concrete pillars necessary. This is consistent on all alternatives. Other methods are not as reliable and very costly.

Mrs. Seger-Lawson asked if drainage was part of the problem. Mr. Hoying answered LJB also had that assumption, but the geotechnical report does not show this. Most retaining wall systems do let water through.

Mr. Greenwood asked about drilling and putting in a foam? Mr. Hoying answered that foam is not useful because the slip is at the bedrock level.

Mr. McGill asked about the longevity of this system. Mr. Hoying reported not knowing that specific information. Most concrete structures last 75 to 100 years.

Mr. Edwards asked if the slide was new. Mr. Hoying only has the information from the city. Previous repaired patching is only adding weight to the road.

Mr. Hoying presented the three alternatives which all include a 20% contingency included.

Alternative A includes adding a curb and cut with gutters and a sidewalk but no room for guardrails along this section. Even at 25 miles per hour the curb is not an adequate barrier for pedestrians, so this alternative includes a concrete slab as a barrier. This alternative causes the least impact to the slope but is very costly at nearly \$9 million. The entire wall length will be about 2,300 feet. Mr. Hoying reminded Council that the geotechnical data was only collected for the 400 feet of the latest slide.

Alternative B is the least expensive at \$6.5 million keeping the road very much like it is currently with just a guardrail and no sidewalk.

Alternative C is a variation on alternative A, but it avoids the 3-foot concrete wall. It includes the curb and gutter with a sidewalk and a nice handrail. It allows 8 foot for errant vehicles. The cost is \$1.1 million for the first phase and \$7.24 million for the whole project. A little more clearing is required for this alternative. Alternative C is LJB's recommendation. It costs 20% less than Alternative A.

One of the first things that will be required is for Geotechnology to do more borings to get detailed information on the road's condition along the length of slide risk area. Once the extent of the need is known a final design can be created. Then construction funding can begin with each phase with the curb, gutter, storm sewer, wall, and railing with a grade for the sidewalk.

Mr. Hoying explained the phasing plan. LJB does not recommend building the sidewalk until the construction of the pier and plug wall is complete along the whole corridor. The estimated to cost to add the sidewalk is \$200,000.

Dr. Van Veldhuizen asked if future problems with the road 30 or more years from now were investigated. Mr. Hoying replied that they were not asked to look at other potential issues, but they do not anticipate other problems.

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Mayor Schweller asked if the road is safe at this time. Mr. Hoying replied that the only danger he could see is the strength of the guardrail since the posts are exposed.

Mr. Greenwood asked if there were another slip if it would be slow. Mr. Hoying replied the 2019 slip occurred with one rain event. This is similar to what happened to Columbia Parkway in Cincinnati. He mentioned this because it shows how the Ohio Public Works Emergency Funding can be used. Mr. Hoying explained that Geotechnology put a tube in place to take readings called an inclinometer. This instrument is not as useful at the bedrock level but there has been no more movement since April.

Mrs. Seger-Lawson asked if it is safe for school buses to use the road. Mr. Hoying opined that it could be reviewed.

Mayor Schweller asked how much money is needed to begin this process. Mr. Hoying answered that it will require \$1 million. There are ways to fund this including OPWC funds and county projects.

Dodd reported that money received from the permissive tax could be used to get the necessary borings along the length of the road done. The cost can be added to the Capital projects budget for 2020.

Council members all acknowledged the importance of the repairs to the road but respect the need to be pragmatic and creative considering the high cost. The City's entire yearly budget is \$6.5 million.

- Lot Request by Rick Clemens

Mr. Clemens was not in attendance, so this item was tabled.

- Selection of Deputy Mayor

The Clerk Pamela Timmons asked that any member of council who is interested in becoming the Deputy Mayor let her know. A vote will be taken at the next Council meeting.

- Council Committees

The Clerk asked that the council members think about which committees on which they would like to serve. The committees will be filled at the next meeting.

- Clerk Recommendations

Mrs. Timmons reported that some items have been discovered that will require amendments to the City charter. An amendment can be drafted by City staff to address these items. One example is the Mayor's succession plan that automatically makes the Deputy Mayor become the Mayor. There were also gray areas that should be clarified. This is something that would then have to be taken to the voters at an upcoming election.

Mrs. Timmons reminded Council that our Administrative Code allows for Ordinances and Resolutions to be read by title only. The members in general like reading them aloud but agree that there are some wordy items that do not require it.

**OPEN DISCUSSION**

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Mrs. Seger-Lawson announced that the upcoming football season has begun, and the first home game is September 6 against Fairborn and there will be a tailgate party beforehand.

Dr. Van Veldhuizen thanked the Council for the appointment, and he is excited to be a member.

Mayor Schweller and all of Council wished the public a safe and happy Labor Day holiday.

Mike Sabin, 26 N West Street. He and his wife run BellHOP Café. He wanted to let Council know how much they love Bellbrook. They host the weekly gatherings of the For Bellbrook By Bellbrook group on Fridays from 8 to 9 am. This is a networking group of local people who focus on our community. They also host the Optimist Club and invite the public to check it out. One of the ways the Optimists serve the community is by organizing the Avenue of Flags five times a year including Labor Day weekend. The flags are available on a subscription basis. Mr. Sabin also invited the public to come to the Second Saturday Street Fairs. The next one is September 14 from 4:00 to 8:00 pm. There are vendors and food trucks. The Optimist Club will be honoring a hometown hero from Bellbrook and Sugarcreek Township Police Department and Fire Departments and veterans.

**EXECUTIVE SESSION – Discipline of a City Employee**

Mr. McGill made a motion to enter Executive Session to discuss discipline of a city employee at 8:52 pm. Mr. Greenwood seconded the motion.

Mr. McGill made a motion to exit Executive Session at 9:25 pm. The motion was seconded by Mr. Edwards.

**ADJOURN**

Being no further business to come before the Bellbrook City Council, Mayor Schweller declared the regular meeting adjourned at 9:29 PM.

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Michael W. Schweller, Mayor

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Pamela Timmons, Clerk of Council