



BELLBROOK CITY COUNCIL AGENDA
January 13, 2020

6:00 pm-Executive Session to discuss the employment and compensation of a personnel matters and pending litigation

7:00 pm-Regular Meeting

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Formal Approval of the Executive Session and Regular Meeting Minutes of December 9, 2019
5. Appointment of Deputy Mayor per Section 4.05 of the City Charter
6. Mayor's Announcements/Special Guests
 - Oath of Office Sgt. Tony Vetter
 - Proclamation from the City of Beavercreek
7. Public Hearing of Ordinances - none
8. Introduction of Ordinances - none
9. Resolutions
 - **Resolution 2020-A A Resolution Authorizing the City Manager/Finance Director to File with the Greene County Auditor Requests for Advances of Taxes Collected (Edwards)**
 - **Resolution 2020-B A Resolution Authorizing Michael W. Schweller, Mayor of the City of Bellbrook, to Enter into and Amended Employment Agreement with Melissa J. Dodd, City Manager/Finance Director (Middlestetter)**
10. City Manager Report
11. Committee Reports – Committee Assignments for 2020
 - A. Service
 - B. Safety
 - C. Finance/Audit
 - D. Community Affairs
 - a. Opening on Board of Zoning Appeals/Property Review Commission
 - b. Opening on Village Review Board
12. Council Liaison Assignments for Regional Agencies and the City's boards
13. Old Business
14. New Business
15. Open Discussion
16. Adjourn

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RECORD OF PROCEEDINGS
Minutes of Bellbrook City Council Meeting
December 9, 2019

PRESENT: Nick Edwards
Forrest Greenwood
Elaine Middlestetter
Dona Seger-Lawson
David Van Veldhuizen
Mayor Mike Schweller

Mayor Schweller called the meeting to order at 6:00 pm.

Mrs. Seger-Lawson made a motion to enter into Executive Session to discuss the employment and compensation of a public employee. Dr. Van Veldhuizen seconded the motion. The Clerk called the roll. Mrs. Seger-Lawson, yes; Dr. Van Veldhuizen, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mayor Schweller, yes. The motion carried 6-0

At 7:00 PM Mayor Schweller called the regular session of the City Council to order.

ROLL CALL

Mr. Edwards, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Dr. Van Veldhuizen, yes; Mayor Schweller, yes.

Mrs. Middlestetter made a motion to excuse Mr. McGill. Mrs. Seger-Lawson seconded the motion. The Clerk called the roll. Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Dr. Van Veldhuizen, yes; Mayor Schweller, yes. The motion passed 6-0.

FORMAL APPROVAL OF MINUTES

After polling members of City Council, as there were no other corrections or additions to the regular meeting minutes of November 12 and November 25, 2019 Mayor Schweller declared the minutes approved as written.

MAYOR'S ANNOUNCEMENTS/SPECIAL GUEST

Chris Ewing – Bellbrook Sugarcreek Chamber of Commerce

Ms. Ewing invited the public to Christmas in the Park on Saturday from 5 until 7 PM. There will be a tree lighting, ornament contest, visits with Santa, and hot chocolate. The Museum will also be open during this time. Carolers will start at the park then make their way to the Dart Building on Franklin Street and end back at BellHOP Café. She recounted that years ago, the city celebrated throughout the weekend. She is hoping that with the newly started Bellbrook By Design group this could grow again. The Winters Library is hosting a Christmas Around the World discussion on Friday. The Open Arms Free Clinic will have an open house on Saturday from 12:30 until 2:30 PM in the building by Skyline Chili. The Clinic is run by Wright State students.

2020 will see the Sugar Maple Festival on April 24-26 which includes a pet fair. The Community Garage Sale will be on May 21-23. Those wishing to participate will be able to sign up on the website after February. Ms. Ewing thanked Mrs. Seger-Lawson and Mr. McGill for their service on the City Council.

RECORD OF PROCEEDINGS
Minutes of Bellbrook City Council Meeting
December 9, 2019

Greg Dart, 7 W Franklin Street, invites the public to view the Christmas displays in the windows. On Saturdays they are also adding some Christmas cheer with roasted chestnuts and a visit from Santa. A contest to find 2 small Santa's in the Christmas scene will award prizes. People are invited to bring items to donate for Open Arms Clinic, Family Resource Center, and Crossview Church. The church works closely with foster kids and runs a weekend outreach program. He added that his father has enjoyed talking with so many people who have stopped by to view the windows.

PUBLIC HEARING OF ORDINANCES -

- **Ordinance 2019-21 An Ordinance Approving the Appropriations of the City of Bellbrook for the Fiscal Year Ending December 31, 2020**

Mr. Edwards read the ordinance and explained that several meetings took place between Council and the heads of the departments to create an accurate budget for 2020. He also thanked the City Manager and the Departments for their hard work on creating the budget.

Mrs. Dodd presented the 2020 Budget to the public. The full budget and the presentation is also available on the city's website. The net difference is -197,162 which is 2.7% of the budgeted expenses. The estimated ending balance is \$5,664,951. The presentation showed the breakdown for each of the Funds.

Mr. Greenwood added that even some of the expenses are a savings for the city in the long run.

Mrs. Seger-Lawson wanted to clarify that the city's only source of income is from property taxes. Improvements to downtown and help for businesses is difficult because the city doesn't have an income tax.

Mayor Schweller added that creating the budget is like a jigsaw puzzle. The city has done a good job managing its money.

Mr. Edwards made a motion to adopt **Ordinance 2019-21 An Ordinance Approving the Appropriations of the City of Bellbrook for the Fiscal Year Ending December 31, 2020**. Mrs. Seger-Lawson seconded the motion. The Clerk called the roll. Mr. Edwards, yes; Mrs. Seger-Lawson, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Dr. Van Veldhuizen, yes; Mayor Schweller, yes. The motion passed 6-0.

- **Ordinance 2019-22 An Ordinance to Adjust the City of Bellbrook Appropriations for 2019**

Mr. Seger-Lawson read the ordinance and explained that this is the final adjustment to be made for the year.

City Manager Melissa Dodd explained that the city reports each fund to the county. It is necessary that enough money is available to cover the end-of-the-year expenses. There were some reductions in the Capital Improvement Fund due to the addition of the sleeping quarters in Fire Station 2 coming in under budget and a couple of other projects.

Mrs. Seger-Lawson made a motion to adopt **Ordinance 2019-22 An Ordinance to Adjust the City of Bellbrook Appropriations for 2019**. Mrs. Middlestetter seconded the motion. The Clerk called the roll.

RECORD OF PROCEEDINGS
Minutes of Bellbrook City Council Meeting
December 9, 2019

Mrs. Seger-Lawson, yes; Mrs. Middlestetter, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Dr. Van Veldhuizen, yes; Mayor Schweller, yes. The motion carries 6-0.

INTRODUCTION OF ORDINANCES - none

RESOLUTIONS

- **Resolution 2019-EE A Resolution Authorizing the Transfer of Funds for 2020**

Dr. Van Veldhuizen read the resolution that allows for money to be transferred among the funds. The City Manager explained that this is a standard annual resolution.

Dr. Van Veldhuizen made a motion to adopt **Resolution 2019-EE A Resolution Authorizing the Transfer of Funds for 2020**. Mrs. Middlestetter seconded the motion. The Clerk called the roll. Dr. Van Veldhuizen, yes; Mrs. Middlestetter, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mrs. Seger-Lawson, yes; Mayor Schweller, yes. The motion carried 6-0.

CITY MANAGER REPORT

Mrs. Dodd said there are proposed changes by FEMA to the flood plain maps. There is a link on the website to these maps. They won't be adopted until 2021 so there is time for revisions but these will only be revisions to street names and other corrections. Before they go into effect, properties that will have a change will be notified.

The City offices switched to Office365 but there might have been a short amount of time when emails were not going through. If you did not get a response, please email again.

Mrs. Dodd expressed her appreciation to the Dart's for their beautiful work on the windows.

She also thanked Mr. McGill and Mrs. Seger-Lawson for their years of service.

COMMITTEE REPORTS

Service: none

Safety: Mr. Greenwood reminded the public to be safe during the holidays. He thanked all of the City employees.

Finance/Audit:

Community Affairs: Mrs. Middlestetter reported that there are two positions open on the Museum Board and interested parties should submit an application. The rotating gallery is set up with Christmas decorations. The museum is closed for January and February for maintenance.

OLD BUSINESS - none

NEW BUSINESS - none

RECORD OF PROCEEDINGS
Minutes of Bellbrook City Council Meeting
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OPEN DISCUSSION

Mr. Edwards wished everyone a happy and healthy holiday season.

Mr. Greenwood wished everyone a merry Christmas. He thanked Mrs. Seger-Lawson for her work on Council and said he would miss her.

Mrs. Middlestetter echoed those sentiments.

Mrs. Seger-Lawson expressed how much she has enjoyed being a part of City Council. She spent eight years on Council and time on the Planning Board before that. Some of the things they have dealt with include whether residents can raise chickens, how many dogs and cats you can own, fixing the water station, the problem on Little Sugarcreek Road, walkable community, new department directors, and much more.

Dr. Van Veldhuizen expressed his thanks to Mrs. Seger-Lawson and Mr. McGill. Mr. McGill was a big factor in his decision to apply to Council.

Mayor Schweller reminded people to be safe and to not drink and drive. He thanked Mrs. Seger-Lawson and Mr. McGill for all the hard work they had put in over the years for the city.

Mayor Schweller opened the floor to the public by starting with an article from the Dayton Daily News concerning issues the city of Dayton's commission was having with inappropriate public comments. He urged the public to use the time speaking to Council to discuss ideas or issues, not personalities.

Mike Sabin, BellHOP Café, explained that the Café will be celebrating its 10th anniversary in Bellbrook. They are happy to host and sponsor many events in town including the Ministerial Association, For Bellbrook By Bellbrook, National Day of Prayer, Easter Sunday Service in Bellbrook Park, and others. He invites the community to join the carolers for the Christmas in the Park event. Another event is with Karen Long and they are hosting a Sensory Santa event for people who struggle with over stimulation on Saturday from 3-4:30.

Louis Schatzberg, thanked Mrs. Seger-Lawson and Mr. McGill for their years of service.

ADJOURN

Being no further business to come before the Bellbrook City Council, Mayor Schweller declared the regular meeting adjourned at 7:55 PM.

Michael W. Schweller, Mayor

Pamela Timmons, Clerk of Council

RECORD OF RESOLUTIONS

Resolution No. 2020-A

January 13, 2020

City of Bellbrook

Resolution No. 2020-A

A Resolution Authorizing the City Manager/Finance Director to File with the Greene County Auditor Requests for Advances of Taxes Collected.

WHEREAS, the Greene County Treasurer is in the process of collecting property taxes for 2020; and

WHEREAS, tax settlements will return to the City those taxes collected for the Police, Fire, General, and Police Pension Funds; and

WHEREAS, these settlements will not be ready in final form until after a significant amount of the taxes are collected; and

WHEREAS, such advances of taxes provide the City with a percentage of taxes already collected which can then be expended by the city.

Now, Therefore, the City of Bellbrook Hereby Resolves:

Section 1. That the City Manager/Finance Director is hereby authorized to request advances of taxes in amounts authorized by the Greene County Auditor at those times during 2020 when sufficient taxes have been collected.

Section 2. That this resolution shall take effect and be in force forthwith.

Michael W. Schweller, Mayor

Pamela Timmons, Clerk of Council

RECORD OF RESOLUTIONS

Resolution No. 2020-B

January 13, 2020

City of Bellbrook

Resolution No. 2019-B

A Resolution Authorizing Michael W. Schweller, Mayor of the City of Bellbrook, to Enter into an Amended Employment Agreement with Melissa J. Dodd, City Manager/Finance Director.

WHEREAS, the Council of the City of Bellbrook and Melissa J. Dodd desire to amend their written employment agreement, and

WHEREAS, it is required that the Council of the City of Bellbrook, pursuant to Article VI, Section 6.01 of the Bellbrook Charter, shall appoint a City Manager by a majority vote of its Members and fix his or her compensation.

Now, Therefore, the City of Bellbrook Hereby Resolves:

Section 1. Michael W. Schweller, as Mayor of the City of Bellbrook, is hereby authorized to execute an amended employment agreement, attached hereto, with Melissa J. Dodd on behalf of the City of Bellbrook.

Section 2. That Melissa J. Dodd be afforded a cost of living increase in the amount of two and three quarter percent (2.75%).

Section 3. That Melissa J. Dodd is granted a bonus in the amount of seven percent (7%) of her annual salary, as permitted in the amended employment agreement.

Section 3. That this resolution shall take effect and be in force forthwith.

Michael W. Schweller, Mayor

Pamela Timmons, Clerk of Council

Employment Agreement

Formatted: Superscript

This ~~agreement~~ Agreement is made this ~~28th~~-~~1st~~ 3rd day of January ~~2019-2020~~ at-in the City of Bellbrook, County of Greene and State of Ohio between the City of Bellbrook, Ohio, a municipal corporation, hereinafter referred to as "the City" and Melissa J. Dodd, hereinafter referred to as "Dodd." This Agreement is made and entered into pursuant to the Charter of the City of Bellbrook, Ohio.

RECITALS

WHEREAS, on April 9, 2018, ~~the~~ the Council of the City of Bellbrook having, by a majority of the vote, appointed Dodd as City Manager/Finance Director pursuant to Section 6.01 of the Charter of the City of Bellbrook, Ohio; ~~and~~-

WHEREAS, Dodd has continued to serve the City as City Manager/Finance Director and perform all of the powers and duties of that position since Dodd's original date of appointment; and

WHEREAS, the City wishes to continue to employ Dodd as the City Manager/Finance Director of the City as provided by the City Charter; and

WHEREAS, Dodd ~~has expressed the desire and being~~-willingness -to ~~accept the appointment~~ continue in her capacity as City Manager/Finance Director and perform all of the powers and duties as contained in Section 6.03 of the Charter of the City of Bellbrook, Ohio ~~and~~-;

WHEREAS, ~~in~~ in consideration of the mutual covenants and promises of the parties hereto, the City and Dodd covenant and agree to renew Dodd's Agreement with the City and establish certain conditions of employment and provide certain benefits as follows:

Section 1: Nature of Appointment

The City does hereby appoint, engage and ~~hire~~ renew Dodd's Agreement with the City to continue to serve as City Manager/Finance Director. ~~She~~ Dodd shall administer the affairs of the City ~~of Bellbrook, Ohio~~ and perform all of the duties as outlined in Section 6.03 of the Charter of the City of Bellbrook, Ohio and Dodd does hereby accept ~~the~~ her continued appointment as City Manager/Finance Director.

Section 3: Economic Package and Review

The City agrees that it will adopt a resolution pursuant to Section 5.01 of the Charter of the City of Bellbrook, Ohio setting Dodd's base salary at ~~\$102,750~~ \$105,575 effective January 1, ~~2019~~ 2020. Payment of this salary shall be made in installments on a biweekly basis, the same as other employees of the City ~~of Bellbrook, Ohio~~.

Council shall conduct an annual evaluation on Dodd's performance. Council shall conduct this annual performance evaluation no later than January 31st of each year. With each annual evaluation that is deemed satisfactory, the City shall set Dodd's base salary and consider paying an annual merit bonus based on performance. Dodd's salary shall not be reduced during the term of this Agreement except by mutual written agreement.

In addition, Dodd shall receive a yearly car allowance in the amount of \$4,800 per year subject to increase. This allowance shall be made in installments on a biweekly basis.

Section 4: Fringe Benefits and Residency

Health Insurance – Dodd shall be entitled to the same health insurance policy as other City employees. If Dodd chooses not to take the medical insurance coverage, the City will pay Dodd \$7,000 for each year where coverage is not taken. These payments shall be paid on a bi-weekly basis.

Vacation leave – The City grants Dodd four weeks (160 hours) of vacation at the beginning of this Agreement. Dodd shall accrue four weeks annually on her employment anniversary date. After five years of service with the City, Dodd shall receive five weeks (200 hours) of vacation annually. Dodd will be subject to the vacation carryover provisions established in the Personnel Manual.

Sick leave – The City shall permit Dodd to transfer her unused accumulated sick leave credits, not to exceed 250 hours, from her prior employment with the Village of Yellow Springs to the City of Bellbrook.

Miscellaneous benefits – The City agrees that Dodd shall be entitled to the same normal miscellaneous fringe benefits which are extended to other City employees.

Residency – The City agrees to waive a residency requirement of Dodd.

Section 5: Professional Dues, Education and Professional Liability Coverage

The City agrees to pay the professional dues, continuing educational courses, membership fees and subscription fees of Dodd for her participation in reasonable and relevant organizations such as the International City/County Management Association (ICMA), Government Finance Officers Association (GFOA), Ohio City/County Management Association (OCMA), or the Ohio GFOA.

Any travel expenses shall be covered as outlined in the City's of Bellbrook's Personnel Manual.

The City agrees to provide Dodd with Employee Practices and Public Officials Liability Insurance protection against professional liability claims other than those which arise through willful misconduct or willful violation of the law.

Section 6: Removal and Termination

The City may remove Dodd and terminate this agreement-Agreement at any time for just cause, defined, but not limited to the following:

- a) An illegal act involving personal gain to the City Manager
- b) Insubordination or willful refusal to follow the policy or lawful directives of the Council
- c) Insubordination or willful refusal to follow the Charter, Ordinances or Resolutions of the City of Bellbrook
- d) Conviction of any crime involving moral turpitude
- e) Willful neglect of duty
- f) Dishonesty in Office
- g) Breach of confidentiality of sensitive City business.

This Agreement may be terminated by either party giving sixty (60) days written notice of termination to the other party. The City may terminate Dodd as City Manager by motion with an affirmative vote of a majority of all members of Council pursuant to Section 6.04 of the Charter of the City of Bellbrook.

If the City should terminate this Agreement, Dodd shall be entitled to the continuation of the payment of her salary and all other benefits set forth in the Agreement for a period of six (6) months.

| Should Dodd choose to terminate his-her employment with the City; she shall provide the City with sixty (60) days written notice.

Section 7: Effective Date and Binding Effect

| This Agreement shall be effective January ~~28¹³~~, 20192020.

| This Agreement shall be binding on and shall inure to the benefit of any successor or successors of the City and personal representatives of Dodd and shall continue until terminated.

| In **WITNESS WHEREOF** the parties have executed this Agreement at Bellbrook, Ohio on the ~~28th~~ this-13th day of January 20192020.

Witnesses:

CITY OF BELLBROOK

By: _____
Michael W. Schweller, Mayor

Melissa J. Dodd, City Manager

Approved as to form, consistency
with existing ordinances, the
charter & constitutional provisions
Stephen M. McHugh, Municipal Attorney

To: Mayor & City Council
From: Melissa Dodd, City Manager
Date: January 10, 2020
Subject: January 13th City Council Meeting

- **Mayor's Announcements and Special Guests**
 - **Oath of Office – Tony Vetter** – Officer Tony Vetter is being promoted to the position of Sergeant effective the day of the meeting. Sergeant Vetter has been with the Bellbrook Police Department since 1997 when he began as a part time dispatcher. He then became a full time police officer in 2001. Tony does an excellent job and I am personally thrilled to see him continue to move through the ranks with the Bellbrook Police Department.
 - **Proclamation from City of Beavercreek** – On December 16th Mike Thoreaux, Public Administrative Services Director from the City of Beavercreek delivered the proclamation and coins for staff and council for their thanks for assisting them with the tornado cleanup efforts.

- **Introduction of Ordinances - None**

- **Public Hearing of Ordinances – None**

- **Resolutions**
 - **2020-A A Resolution Authorizing the City Manager to File a Request for Advances –**
This is the annual resolution to request that the Greene County Auditor advance property taxes as they are received versus semi-annually
 - **2020-B A Resolution Amending the Employment Agreement with the City Manager –**
This resolution makes a few adjustments to my contract based on our new Municipal Attorney reviewing it. He tweaked some of the language in the contract to be more in line with a continuing contract versus a new hire contract. There is also the change in salary after the performance review conducted on December 9th.

- **Updates**
 - **Parks District Commissioner Representation** – It has recently been brought to my attention that there is not a Bellbrook resident represented on the current Parks District

Commission. With a term expiring this year, it would be worth Council considering taking interest from citizens and putting a name forth to represent the City during the next selection process. The former bylaws required at least one Township resident and one Bellbrook resident on the three person commission. Those bylaws were changed in recent years to remove that rule and it is estimated that Bellbrook has not been represented in the past seven years. Representation for Bellbrook is very important since a portion of our residents property taxes support the Parks District.

- **Year End Wrap Up** – I am working to close the 2019 fiscal year and tie up any loose ends. There are a few capital purchases and projects that were not yet complete and will have to roll into 2020. At the next meeting Council will have the 4th quarter financials that will outline those projects and where we stand at year end.
- **Wellfield Protection** – I have a meeting on my calendar for the 22nd to discuss creating a wellfield protection plan with the Service Director and two representatives from the Ohio EPA. I look forward to getting something formal documented to help protect our wellfield.