

RECORD OF PROCEEDINGS
Minutes of Bellbrook City Council Regular Meeting
January 25, 2021

Due to the COVID-19 pandemic the January 25, 2021 City Council Meeting was conducted using Zoom's remote webinar platform.

PRESENT: TJ Hoke
Ernie Havens
David Van Veldhuizen
Forrest Greenwood
Elaine Middlestetter
Deputy Mayor Nick Edwards

ALSO PRESENT: City Manager Melissa Dodd

WORK SESSION – to approve the 2021 City Goals

Deputy Mayor Edwards called the work session to order at 6:30 PM. He explained that the purpose of the work session is to finalize the 2021 City Goals. The Goals included in the packet were updated after the Goal Setting work session on January 18, 2021.

Mrs. Middlestetter asked Mrs. Dodd for more information on number 5.a.ii Streetscape design. She expressed her desire that the existing potted plants to be incorporated. The pots were chosen and maintained by the Garden Club and the evergreens were donated by the Lions Club. The City Manager explained that she wanted to put out an RFP tailored for Bellbrook. The city of Loveland put out an RFP in January and this was the basis for the one she is proposing for Bellbrook. The designers will look at what is existing and start from there focusing on the things we want to implement. Examples would be streetlights, additional street furniture, signage, and enhanced public spaces. Loveland's RFP was broken down into phases to align with financial projections. Mrs. Dodd added that she read in the Dayton Daily News about a new Greene County grant that might cover the expense of this development plan. Mrs. Dodd had been asked to speak about Greene County's grant programs and was part of the development of it. Having this plan in place could help the city attain future grants for the work since the plan shows we have done our due diligence. The Community Affairs Committee will be asked to look at the RFP and any proposed plans.

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The City Manager said she would be reaching out to the Service Committee during the week for initial discussion on the 4.b.i and ii Crosswalk and Sidewalk proposals. The goal is to position the city so that we could work to be awarded grants if possible, to cover the expense.

Mr. Greenwood said he felt like the Little Sugarcreek Road project should be a priority.

Mr. Havens stated that he thinks Council should put some timelines on some of the goals, so they do not get forgotten. He specifically pointed to 1.b and 1.c Code Updates. He stated that having an open-ended project is not a good way to manage. Dr. Van Veldhuizen said he would suggest regular or quarterly updates to Council. The update could also include a scope of the project and a better idea of completion.

Dr. Van Veldhuizen suggested receiving updates quarterly. Mr. Edwards added that there are lot of sizable goals on the list and staff has done a good job of managing projects. He does not want to see staff get so bogged down in meeting deadlines on so many goals that nothing gets done. Setting priorities makes more sense to him than arbitrary deadlines. Mr. Havens likened the process to building a house that due to the size of the project it must be managed. He suggested a Gantt chart with expectations, not deadlines. Mr. Edwards agreed and believed the quarterly updates will keep everyone up-to-date on progress and if a project is struggling it can be discussed and reevaluated.

Mr. Havens asked if goal 1.d. could be renamed from Property Maintenance Enforcement Plan to Code Enforcement Plan. Council agreed.

Council and the City Manager agreed to the updated list as the 2021 City Goals.

REGULAR MEETING

Deputy Mayor Edwards called the regular meeting to order at 7:00 pm.

ROLL CALL

Mr. Hoke, yes; Mr. Havens, yes; Dr. Van Veldhuizen, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mr. Edwards, yes.

Mrs. Middlestetter made a motion to excuse Mayor Schweller from the meeting. Mr. Havens seconded the motion. All were in agreement. The motion passed 6-0.

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APPROVAL OF MINUTES

There being no changes to the minutes of the January 11 Council meeting Deputy Mayor Edwards approved them.

Mr. Havens stated that he believes corrections are needed to the minutes of the work session of January 18 but there would not be enough time to go through them all at this meeting. Mr. Edwards stated that the minutes were submitted to Council and if Mr. Havens thinks there should be changes those should be discussed tonight. If changes to intent or wording are requested those should be made at the next public meeting when all members can discuss them. Changes should not be made based on one person's input. Dr. Van Veldhuizen said he could go back through the minutes, but he had seen no significant errors. Mr. Havens replied that in the past when a Council member wants changes to the minutes, they send those to the Clerk. He added that he typically reads the minutes on the day of the meeting and in this case found a lot of items he thinks should be changed. Mr. Edwards agreed that typographical errors are normally pointed out to the Clerk who makes the correction. In this case it sounds like more extensive changes are being requested. The Clerk was asked how the minutes are prepared. Mrs. Timmons explained that the minutes are prepared using the video recording, the closed captioning, and her notes. Minutes are not a verbatim record of the meeting. The purpose of minutes is to summarize and include enough information that the rationale behind decisions can be understood. She also added that the minutes of the work session were not prepared like regular meeting minutes that are linear and follow the timeline of the meeting. The work session was different, and a linear record made decisions unclear. The minutes of that meeting were reorganized to put all discussions about a topic together. This discussion turned to the legal requirements for minutes. Mr. Edwards asked if all that is required could be supplied by a statement that the transcript of the video is available on the website for the public's inspection. Mrs. Middlestetter stated that the purpose of minutes is to record the actions taken of the body, not to record everything that is said. She added that the City's minutes are more inclusive than what is strictly required by law.

Mr. Havens made a motion to table the approval of those minutes and Mr. Hoke seconded it. The Clerk called the roll. Mr. Havens, yes; Mr. Hoke, yes; Dr. Van Veldhuizen, yes; Mr. Greenwood, yes; Mrs.

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Middlestetter, yes; Deputy Mayor, yes. The motion to table the minutes of January 18 until February 8 passed 6-0.

MAYOR'S ANNOUNCEMENTS

The Deputy Mayor expressed his condolences to Mr. Hoke on the passing of his father.

PUBLIC HEARING OF ORDINANCES

Mrs. Middlestetter read **Ordinance 2021-1 An Ordinance Amending Zoning Code Section 20.08 "Proceedings of the Board of Zoning Appeals" of the Bellbrook Zoning Code.**

The City Manager explained that the change will require oaths be administered by the chairperson or vice chair of the Board of Zoning Appeals and this was reviewed and approved by city attorney Steven McHugh.

Mr. Havens asked again if the City's attorney was clear that the BZA is a semi-judicial board. Mrs. Dodd answered that Mr. McHugh is aware of the semi-judicial status of the BZA as every city has one.

Mrs. Middlestetter made a motion to adopt **Ordinance 2021-1 An Ordinance Amending Zoning Code Section 20.08 "Proceedings of the Board of Zoning Appeals" of the Bellbrook Zoning Code.** Dr. Van Veldhuizen seconded the motion. The Clerk called the roll. Mrs. Middlestetter, yes; Dr. Van Veldhuizen, yes; Mr. Hoke, yes; Mr. Havens, yes; Mr. Greenwood, yes; Deputy Mayor Edwards, yes. The motion passed 6-0.

Dr. Van Veldhuizen read **Ordinance 2021-2 An Ordinance Repealing Old Chapter 1244, "Zoning Permits and Certificates" of the Bellbrook Municipal Code and Enacting New Chapter 1244 "Zoning Permits and Certificates" of the Bellbrook Municipal Code.**

Mrs. Dodd stated that the comparison that was used is attached in the packet. Planning Board approved the new fee schedule. After the discussion at the introduction the Ordinance was updated to have an effective date of July 1, 2021.

Mr. Havens added that the fees are still less than those of Sugarcreek Township.

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Mr. Greenwood stated that some seem punitive, but he feels it is important to encourage residents to improve their properties. The updated fees are better able to cover the costs.

Dr. Van Veldhuizen made a motion to adopt **Ordinance 2021-2 An Ordinance Repealing Old Chapter 1244, “Zoning Permits and Certificates” of the Bellbrook Municipal Code and Enacting New Chapter 1244 “Zoning Permits and Certificates” of the Bellbrook Municipal Code to be effective July 1, 2021.**

Mrs. Middlestetter seconded the motion. The Clerk called the roll. Dr. Van Veldhuizen, yes; Mrs. Middlestetter, yes; Mr. Hoke, yes; Mr. Havens, yes; Mr. Greenwood, yes; Mr. Edwards, yes. The motion passed 6-0.

INTRODUCTION OF ORDINANCES - none

RESOLUTIONS

Mr. Hoke read **Resolution 2021-C A Resolution Approving the Amended Solid Waste Management Plan of the Greene County Solid Waste Management District.**

Dana Doll, Manager of Greene County Environmental Services, and Randy Gilbert, Assistant Director of Sanitary Engineering of the Greene County Waste Management District presented an overview of the new solid waste management plan. Per Ohio Revised Code the solid waste management plan must be updated every 15 years to the prescribed format 4.0 from the Ohio EPA. The new format was created to be more user-friendly and begins in 2021. Even though the plan must be updated every 15 years, it is reviewed every five years to ensure compliance. The focus is recycling and outreach programs.

Mrs. Doll explained that the Recycling Goals include residential/commercial and industrial. The rate in the county is 31% while the minimum required is 25%. The state average is 29% meaning Greene County exceeds even the state average. The industrial recycling goal is 66% for the state while ours is 80%. The generation fee will remain at \$10 per ton.

The Recycling Complex includes a household drop-off program and yard waste. There are also scheduled events for special materials such as household hazardous waste at least once a month. The new

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component is Outreach and Education that begins with adding a Public Information Officer and looking for opportunities to improve the curbside recycling program.

Mr. Hoke moved to adopt **Resolution 2021- C A Resolution Approving the Amended Solid Waste Management Plan of the Greene County Solid Waste Management District.** Mr. Greenwood seconded the motion. The Clerk called the roll. Mr. Hoke, yes; Mr. Greenwood, yes; Mr. Havens, yes; Dr. Van Veldhuizen, yes; Mrs. Middlestetter, yes; Deputy Mayor Edwards, yes. The motion passed 6-0.

Mr. Havens read **Resolution 2021-D A Resolution Designating a Public Depositor (KeyBank National Association) of Active and Interim Deposits of the City of Bellbrook.**

Mr. Edwards recused himself from the discussion due to his affiliation with KeyBank.

City Manager Dodd stated that this is a renewal of the city's agreement with KeyBank for another five years.

Mr. Hoke asked what the requirements are for requiring a competitive bid process. Mrs. Dodd said that although she has reviewed this in the past, she would have to look up the specifics on the requirement before making a statement.

Mr. Havens asked if the city was charged per check which might make it prudent to look into other bank's services.

Mrs. Dodd answered that the contract was reviewed with the KeyBank representative a couple of month ago.

Mr. Havens asked how a vote can be taken on this legislation if there are still questions involving the laws concerning competitive bidding.

Mr. Hoke said he had read Ohio Revised Code 435.10 stating it is legal for the city to enter into this contract. He clarified that he was just curious what the trigger is for competitive bidding. Mrs. Dodd stated that the city's bank fees are less than \$400.00 per month so the total would be less than the \$50,000 limit. The only way a bid would be required would be if the state made it a condition for banking accounts which it does not according to her experience.

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Mrs. Middlestetter stated she is comfortable with the agreement. She made a motion to adopt **Resolution 2021-D A Resolution Designating a Public Depositor (KeyBank National Association) of Active and Interim Deposits of the City of Bellbrook.** Mr. Hoke seconded the motion. The Clerk called the roll. Mrs. Middlestetter, yes; Mr. Hoke, yes; Mr. Havens, yes; Dr. Van Veldhuizen, yes; Mr. Greenwood, yes; Deputy Mayor Edwards, abstain. The motion passed 5-0.

OLD BUSINESS - none

NEW BUSINESS - none

COMMITTEE REPORTS

Service – Mr. Greenwood explained the Ohio EPA PFAS testing of the city’s water supply. There are no national standards, but Governor DeWine has created an action plan. The EPA tested 1,550 public water systems and 6% of those systems showed PFAS. Bellbrook’s water system is one of the 6%. But the level we tested at is very low and not a concern. Ohio is one of the few states doing PFAS testing.

Safety – Mr. Hoke warned residents of an issue in the crime report. Be careful when discarding unsolicited mail from USBank. Your bank could be sending you a debit card for your unemployment benefits. Criminals are filing unemployment claims using fraudulent names. If you receive an unsolicited debit card from USBank call the number listed on the mailing. You can also file a claim at Identitytheft.gov.

Finance – Mr. Edwards presented the fourth quarter financials which are very good especially considering the effects of COVID-19 on the city’s finances.

Mrs. Dodd explained that the information includes final fund balance changes. A few capital projects are pending which includes the software conversion and replacement weapons for the Police Department.

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Mr. Edwards wanted to reassure the residents that Council is cognizant of how tax dollars are spent. It will remain important to watch expenditures. The capital improvement budget will be reviewed in February.

Community Affairs – Mrs. Middlestetter stated that the latest Historical Museum meeting information was included in the packet. She highlighted that the digitizing projects are almost done. They are looking into increasing the software license so that the public can access the records. The museum has acquired a late 1800s farm wagon. She also highlighted the many rotating exhibits planned for the year.

CITY MANAGER REPORT

Mrs. Dodd explained that she has a new format for the City Manager Report. She removed the listing of the legislation since these are discussed as they are read in the meeting. Activities expounded upon include:

- All downtown property owners were sent a letter informing them about the city's sidewalk regulations. It explained that this spring/summer all downtown sidewalks will be assessed.
- Boards and Commissions activities will be included in a monthly report to Council.
- The next Council meetings will include presentations of the annual reports of the Service, Police, and Fire Departments. Mrs. Dodd added that she thought Council should also receive an annual report from Planning and Zoning. A written report could be provided, or Mrs. Hansen could present the report at a future meeting.
- The Planning Board approved the re-written Article 14 at its January meeting. It is now with the city attorney. It is a very long and intricate piece of legislation so we do not have a date we can expect to have it back.
- An E-newsletter was sent out this week with COVID-19 and vaccination information.
- The Sable Ridge gate agreement with the HOA is scheduled to be discussed at the next Council meeting. The gate was never added to the recorded plan. The signage and landscaping at the entrance to the subdivision are recorded as the responsibility of the HOA but the gate was never added. The city will continue to own it but the HOA will maintain it. The agreement has been

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being worked on for eight months and is finally ready for Council. The City Manager asked if Council would like a member of the HOA be part of the next meeting she could set that up.

- Community Development Block Grants (CDBG) will open in March and April. The requirements are changing and will now be income-based. Mrs. Dodd will have to determine if the city can apply due to this change.
- There is a Greene County Municipal Grant that Mrs. Dodd plans to apply for. For the last two years Bellbrook has received money from Greene County as a grant to be used to leverage other funding for various projects that fit their criteria. This year instead of granting an allocation to each municipality they are soliciting applications and will be granting it based on projects submitted. She is unsure if we will be ready to submit this year, but she is working closely with representatives from the County. Mr. Hoke offered to help the City Manager with the grant proposal.
- The City has been approached by a High School group called the “Bellbrook Hopeful Squad” who would like to paint a mural in Bellbrook. This has emphasized a challenge that exists in our code. The current code does not identify murals at all. The new Article 14 defines some basic qualities but does not include the process needed to approve and regulate murals. Staff is currently working on this.
- The Community Leaders Meeting is now a 2021 goal and the City Manager is working on scheduling one quarterly. So far only two of the other entities have responded and neither is interested in holding this meeting in the next few months. Mrs. Dodd stated that this was a concern with this goal since the city has no control over the other entities. Mrs. Middlestetter added that the same organizations already attend the monthly chamber of commerce meetings. Mr. Hoke added that the meeting we are trying to encourage is for residents. Mr. Havens cleared up the possible confusion by explaining that there are two different items. One was Mrs. Dodd reaching out to all the community groups to open a dialogue. The second item was reinstating the Quarterly Leaders Meetings that included Bellbrook, Sugarcreek Township, schools, and the parks.

Mr. Havens asked if there has been any response to the downtown sidewalk letters that were sent. He added that he appreciated that property owners were given this advance notice of what will be occurring in a few months.

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CLERK'S REPORT

Mrs. Timmons announced the following future items:

- Feb 22
 - Work Session for CIC follow up
 - Police Department Annual Report
- Legislative Items to be considered from Planning Board
 - Vacancy Registration Requirements
 - 18.20(B) – Sign Code
 - Article 14

COMMENTS

Mr. Hoke wanted to commend the school staff and teachers as students return to the classrooms full time.

Mr. Havens showed a piece of artwork created by the middle school arts. He is hoping to create some camaraderie within the community by offering to let local businesses and organizations display them for free in their lobbies. He also wished the Mayor a speedy recovery.

Mr. Greenwood none

Mrs. Middlestetter thanked Mr. Edwards for leading the meeting and also wished Mayor Schweller a speedy recovery. She empathized with Mr. Hoke on the passing of his father.

Dr. Van Veldhuizen mentioned to Mrs. Middlestetter that he would be happy to help with the cataloging of items for the Historical Museum. He also thanked the Deputy Mayor for his running of the meeting.

Mr. Edwards thanked everyone for their work.

PUBLIC COMMENT – none

ADJOURNMENT

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Deputy Mayor Edwards announced that the executive session scheduled for the meeting would be postponed until the next meeting when the Mayor would be able to participate. Being there is no further business to come before the Bellbrook City Council he declared the regular meeting adjourned at 8:20 PM.

Nick Edwards, Deputy Mayor

Pamela Timmons, Clerk of Council