

**BELLBROOK CITY COUNCIL**  
**MEETING MINUTES**  
**FEBRUARY 9, 2009**

**PRESENT:** Mr. Bob Baird  
Mr. Denny Bennett  
Mrs. Pat Campbell  
Mr. Ralph Fussner  
Mr. Joe Ritzel  
Deputy Mayor Mike Schweller  
Mayor Mary Graves

This is a summary of the City Council meeting held on Monday, February 9, 2009.

Mayor Mary Graves called the meeting to order at 7:30 p.m. and asked everyone to stand and say the Pledge of Allegiance. The Clerk called the roll. All members of Council were present this evening.

There being no corrections or additions to the prior minutes of the Workshop Meeting of **January 12, 2009, Mr. Bennett moved they be approved as written.** Mrs. Campbell seconded the motion. The Clerk called the roll: Mr. Bennett, yes; Mrs. Campbell, yes; Mr. Baird, abstain; Mr. Fussner, yes; Mr. Ritzel, yes; Mr. Schweller, yes; Mayor Graves, yes. The motion carried 6-0 with one abstention.

There being no corrections or additions to the prior minutes of the Regular City Council Meeting of **January 26, 2009, Mr. Bennett moved they be approved as written.** Mrs. Campbell seconded the motion. The Clerk called the roll: Mr. Bennett, yes; Mrs. Campbell, yes; Mr. Baird, yes; Mr. Fussner, yes; Mr. Ritzel, yes; Mr. Schweller, yes; Mayor Graves, yes. The motion carried 7-0.

**SPECIAL GUESTS/SPECIAL ANNOUNCEMENTS:**

Police Chief Dave Helling presented the **Police Department's 2008 Annual Report.**

Chief Helling began by commenting that this was his 11<sup>th</sup> annual report. He said usually by reviewing previous years' statistics it was possible to build a prediction of what might happen the next year, but 2008 was different. He said they encountered several things that impacted their statistics including fuel prices. He said 23-25% of their activity was directly related to traffic activity; and beginning in about May and continuing through October, with the increase in fuel prices, they saw a definite drop-off in traffic activity including volume, accidents and enforcement. He said the second factor was the hard economic times.

Chief Helling reviewed the high points of his report. A copy of the report is on file in the Office of the Clerk of Council and available for review.

Chief Helling invited City Council to comment or ask questions.

Mr. Bennett said identity theft was a big thing. He asked what could be done with somebody's social security number and name except open up credit cards. Chief Helling said "open up" were the best words because they could open up anything – bank accounts or mortgages. He said a social security number was a gateway and guarding it was half the battle but consumers should also be aggressive by checking their credit reports regularly. He said a problem with credit reports is that they run six months behind. Mr. Bennett said he and his wife have frozen their credit with the three major credit bureaus and it only cost \$5.00 per credit bureau. He said then if you want to unfreeze your credit you can do that for another \$5.00.

Mrs. Campbell asked if Web sites with a lock and key were safe. Chief Helling said the usually were but there were Web sites that looked legitimate but weren't. He said often the lock and key were upside down or words spelled differently. Mrs. Campbell asked about ordering something from Macy's or another similar company. Chief Helling said that should be safe as long as the Web site was familiar and if there was an 800 number on the Web site. He said just be alert.

Mr. Ritzel said he was impressed that we hadn't used any tasers in the past year. He asked if they are a good deterrent and the Chief said they are very good. He said the department went through an extensive update process last year and officers are required to qualify with the taser twice a year. He said they are tested extensively.

Mr. Schweller asked if the burglars the Chief mentioned were from out of town or local. The Chief said we have some local young people but 75% of the suspects were out of the area. He said Detective Salyers had been working in north Dayton for several weeks. He said burglars would look for easy targets and for unlocked doors.

Mr. Schweller asked the Chief if he could predict what 2009 might bring – identity theft and burglaries still. Chief Helling said he thought they had a bit of a handle on the burglaries but said they need to work on people to lock doors. He said after a burglary event they do a neighborhood canvas to take an opportunity to remind people to lock up. He said domestic issues concern him because they were higher last year than normal. He said this relates to economics. He said they have a high number of peace officer calls to stand by for child exchanges which have a high potential for a domestic problem.

All members of Council thanked Chief Helling for his excellent report.

**MAYOR'S ANNOUNCEMENTS:**

Mayor Graves acknowledged **military personnel from the City of Bellbrook** whose names have been reported to us as follows:

**Caleb Homer**, age 25, deployed to Iraq with the US Navy, serving on the Police Transition Team with the US Marines since last summer. He resides on Bledsoe Dr. **Tim Neel** is deployed with the US Air Force to Saudi Arabia for a six month tour. He's been gone three months. He resides on Hillrise Circle.

**Joe Poorman**, son of City employee Kim Poorman, is in Afghanistan serving with the Air Force Reserves. He left September 8, 2008 and is expected to return by the end of March 2009. He resides on Woodedge Dr.

**Captain Christian Randall**, Logistics Officer in the Air Force is an Afghanistan and Iraq Veteran still on active duty.

**Michael Ribbink**, formerly a Part-time Bellbrook Firefighter/EMT, is Active Air force stationed at Van Denberg, CA Air Force Base will be deployed to Afghanistan at the end of February for approximately six months. He resides on Justin Ct.

Members of Council also mentioned Jim Crowe and Ed Crowe, former members of our Fire Department who are currently full-time military serving overseas and Linda Stokes-Crowe, a volunteer firefighter/EMT, who has returned from overseas. Chief Helling also mentioned his sister who serves in Baghdad in police service.

Mayor Graves stated that she and Council were very proud of these people and invited residents to continue to call.

Mayor Graves extended the **condolences** of herself and City Council to residents of Bellbrook who have recently lost family members.

**PUBLIC HEARINGS: NONE**

**INTRODUCTION OF ORDINANCES:**

**ORDINANCE 2009-1 AMENDING CHAPTER 1060 OF THE BELLBROOK MUNICIPAL CODE.**

Mr. Schweller read Ordinance 2009-1 in its entirety. Mr. Schlagheck explained that Council formally adopted the rate increase in December but then, upon reviewing the Municipal Code, we noticed a conflict in the wording, so this Ordinance will revise the Code appropriately. He said the public hearing would be held on February 23.

There being no further discussion, **Mr. Schweller moved for the adoption of Ordinance 2009-1.** Mr. Ritzel seconded the motion. The Clerk called the roll: Mr. Schweller, yes; Mr. Ritzel, yes; Mr. Baird, yes; Mr. Bennett, yes; Mrs. Campbell, yes; Mr. Fussner, yes; Mayor Graves, yes. The motion passed 7-0.

**ADOPTION OF RESOLUTIONS:**

Mr. Bennett read **RESOLUTION 2009-D AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH LJB INC. FOR ENGINEERING SERVICES IN CONNECTION WITH THE STATE ROUTE 725/LITTLE SUGARCREEK INTERSECTION SAFETY UPGRADE IMPROVEMENT PROJECT** in its entirety.

Mr. Schlagheck explained that this Resolution would authorize us to do the engineering now and have the bid in place by July 1 so we can start construction shortly thereafter. He said the majority of this project was being funded by the Ohio Public Works Commission so the share for the City will be less than \$10,000. He said LJB has been the engineer for the City for a number of years and helped us apply for this grant so they are very familiar with the project.

Mr. Schlagheck noted that in the proposal LJB had some “if authorized” items including soil borings, a pedestrian bridge, lane widening and lane striping. He said determination would need to be made as to whether those items were necessary and then we could execute those options. Mayor Graves said another option was the traffic signal design which would interact with the signal on Vemco Dr. Mr. Schlagheck said that was not part of the plan right now and the signals would have to be connected physically with fiber. He said when this was discussed with LJB, they didn’t think they needed to be interconnected because they are so far apart. He said that was something we can look at again. He said if we find that construction costs are lower than the grant, we can include some other things. Mayor Graves said she was mostly concerned about Vemco to the bridge because of the blind hill. Mayor Graves said she knew this was something a lot of people in the neighborhood are waiting to have done because it’s very difficult to turn onto Franklin from Little Sugarcreek.

There being no further discussion, **Mr. Bennett moved for the adoption of Resolution 2009-D.** Mr. Fussner seconded the motion. The Clerk called the roll: Mr. Bennett, yes; Mr. Fussner, yes; Mr. Baird, yes; Mrs. Campbell, yes; Mr. Ritzel, yes; Mr. Schweller, yes; Mayor Graves, yes. The motion carried 7-0.

Mr. Ritzel read **RESOLUTION 2009-E DECLARING IT NECESSARY TO LEVY A TAX IN EXCESS OF THE TEN MILL LIMITATION. (Rev. Code, Sec. 5705.19, .191, .192, .194 .21, .26)** in its entirety.

Mr. Ritzel said this would provide necessary funds to maintain the excellent level of fire service we enjoy today and would be on the next ballot if Council votes favorably today. Mr. Schlagheck agreed and said at the last meeting Council certified it to the Greene County Auditor. He said we received a response from them that this would generate approximately \$338,000 for the Fire Department. He said the form of this Resolution came from the Board of Elections and would be forwarded to them if approved by Council allowing it to be placed on the ballot in May.

Mr. Baird asked what the cost per \$100,000 valuation would be. Mr. Schlagheck said it would be \$61.25 for a \$100,000 home and \$122.50 for a \$200,000 home. Mr. Baird asked if we would be replacing the current levy and Mr. Schlagheck said no, this would be additional millage. It would be 2 mills on top of the 3.9 continuing levy in place now, which has been reduced down over time.

Mayor Graves reiterated, so the public would understand, this would be a 2 mill additional continuing levy, not a 2 mill to replace the 3.9 mill. She said the 3.9 mill would stay in place and the 2 mill would be added so we can continue to have the good service we enjoy. She said the 3.9 mills began in 1987, was renewed once and replaced once, so we have not asked for a lot of money over the past 25-30 years to operate our Fire Department. She said times have changed and it is now time to do it. She said she hoped all residents would consider voting for it.

**Mr. Ritzel moved for the adoption of Resolution 2009-E.** Mr. Schweller seconded the motion. There being no further discussion, the Clerk called the roll: Mr. Ritzel, yes; Mr. Schweller, yes; Mr. Baird, yes; Mr. Bennett, yes; Mrs. Campbell, yes; Mr. Fussner, yes; Mayor Graves, yes. The motion carried 7-0.

Mr. Schweller read **RESOLUTION 2009-F AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF AGREEMENT AND A FIRST AMENDMENT TO OPTION AND LEASE AGREEMENT WITH CROWN CASTLE GT COMPANY LLC FOR THE CONTINUED OPERATION AND EXPANSION OF A TELECOMMUNICATIONS FACILITY AT THE SOUTH MAIN STREET WELL FIELD** in its entirety.

Mr. Schweller explained this relates to the cell tower on the well field and said it has been a good deal for the City. He said over the years the company had made offers to buy out the lease and we have always turned them down. Mr. Schlagheck said this discussion began in July of 2008 when Council authorized the letter agreement at which time the company came to us to expand the site, not by adding a tower, but by adding some additional facilities such as a generator, so they can market the cell tower to other carriers. He said, along with this agreement, they will pay us a \$5,000 one-time payment; and, if they add any other carriers to that tower, we will get additional money. He said we were now getting about \$28,000 per year from that site. He said we make a little money on land we couldn't use for anything else. Mr. Schweller said we need to keep an eye on it because they tried to buy it from us before and it would not be advantageous to us. Mayor Graves pointed out, too, that the tower is on our well field property so it couldn't be used for anything else.

**Mr. Schweller moved for the adoption of Resolution 2009-F.** Mr. Fussner seconded the motion. There being no further discussion, the Clerk called the roll: Mr. Schweller, yes; Mr. Fussner, yes; Mr. Baird, yes; Mr. Bennett, yes; Mrs. Campbell, yes; Mr. Ritzel, yes; Mayor Graves, yes. The motion carried 7-0.

#### **CITY MANAGER REPORT:**

Mr. Schlagheck said that Council had received a memorandum with the proposed **2009 water rates**. He said, by Ordinance, Council has the ability to increase the water rates restricted to no more than the average of the consumer price index over

the last three years, which is 3.31%. He said the quarterly cost for a resident of Bellbrook using 22,500 gallons was \$93.15 per quarter. He said the City of Oakwood did a study annually and we fall roughly in the middle but, more significantly, for a user of Greene County water vs. Bellbrook's, a user would pay roughly \$115 for that same service. He said our rates are very competitive. He said a 3.3% increase would be an increase of \$4.80 per quarter for a typical resident or \$19.20 per year. He said he also proposed increasing the minimums for larger meters and the tap-in fees. He said those had not been increased each year; but as he looked back, it appeared this was a year they needed to be adjusted. He said as we go forward and approach the 2010 budget he would study this a little closer and make sure we are still competitive with other cities in tap-in fees, etc. and getting the revenue we should be.

**Mr. Bennett moved and Mrs. Campbell seconded that the following individual motions be approved:**

- A) The rates under section 1042.03(a) shall be adjusted by 3.31% (Regular Monthly Minimum and Rate per 1000 gallons – District A).**
- B) The rates under section 1042.03(b) shall be adjusted by 3.31% (Regular Monthly Minimum and Rate per 1000 gallons – District B).**
- C) The rates under section 1042.03(c) shall be adjusted by 3.31% (Monthly Minimum for meters ¾" or larger).**
- D) The rates under section 1042.08 shall be adjusted by 3.31% (Tap-in Fees).**

There being no further discussion, the Clerk called the roll: Mr. Bennett, yes; Mrs. Campbell, yes; Mr. Baird, yes; Mr. Fussner, yes; Mr. Ritzel, yes; Mr. Schweller; Mayor Graves, yes. All motions carried by a vote of 7-0.

Mr. Schlagheck said property owners either have already or will be receiving notices that **FEMA updated their flood hazard maps**. He said the old ones were in place since 1977. He said they have done some digital mapping on a county-wide basis and there were about 1,000 properties in the City of Bellbrook affected one way or another. Mr. Schlagheck encouraged residents to call the City at 848-4666 with questions if they received the letter. He commented that Eileen Minamyler has the maps posted in the conference room and that she is very good at walking people through it. He said there was an appeal period through April 25 during which property owners can appeal the ruling.

Mr. Schlagheck said he, Mrs. Campbell and Mr. Bennett attended the **Fire Association dinner** last Saturday. He read off the following awards that were presented: **Image Award: Bill Beeman (Member of the Citizens Fire Corps) for his positive image while representing the department and work providing CPR Courses and Annual Blood Drives; Sheila "Minser" Jones Memorial Commitment to Youth Award: Michelle Clemens for her outstanding work as a Youth Cadet Advisor; Patriot Award: BFD Member and U.S. Air Force Reserve Lt. Colonel Lin Stokes-Crowe, Honorary BFD Members Senior Airman Edward Crowe and Senior Airman Michael Ribbink and honorary member and U.S. Air Force Reserve Lt. Colonel Jim Crowe; Year of Your Life Award: Andrew Feskens and Dina Mokas for giving up an entire year of their time to become a Nationally Registered Paramedic; Robert J. Tobias Rookie of the Year Award: Alan Miller for his commitment attaining his Advanced Firefighting and EMS training within four months along with being a positive role model to other new department members; Larry Gosnell Volunteer of the Year Award: Wes Williams.**

Mr. Schlagheck said Chief Hall will be at the February 23<sup>rd</sup> meeting to give the **Fire Department's annual report** and a representative from the **Family Resource Center** will be coming in to give us an update on the Center and answer questions.

Mr. Schweller asked if we had been involved in the **FEMA mapping**. He said previously he was very disappointed in how little FEMA had researched part of our City. Mr. Schlagheck said they came in and dictated the maps. He said we did not have input but we are looking at a couple areas that we want to make sure they re-evaluate. He said there was a lot of property affected but as long as there was no structure on a property, it will not affect a resident. He said the maps are difficult to read but Eileen is on top of that for us and said we would help anyone who needs it.

**COMMITTEE REPORTS:**

**SERVICE:**

Mr. Bennett said the **Service Department** reported they had had approximately 22 snow and ice events this season. He said anytime crews were dispatched for snow and ice removal it was considered "an event." He said snow and ice removal was very hard on equipment and they work hard in between events to maintain the equipment and had keep up with daily responsibilities and work orders. He said the Street Department completed 147 street work orders during January. He said they were currently reading water meters and over 50 water system work orders were completed in January. He said there were three water main breaks in January, two so far in February and a total of seven for the season, which is slightly higher than the last five years. Mr. Bennett said the Service Department works very hard.

**SAFETY: NONE**

**FINANCE/AUDIT:**

Mr. Schweller reminded residents that the **Fire Levy** would be on the ballot in May. He said we spend the City's money as if it was our own money. He asked that the voters give Council and the City their vote of confidence and support the levy.

Mayor Graves said it appeared there would be a cut in Local Government Funds, although not as bad as proposed the last time. She said it could be about 10% or \$20,000 per year. She said we all knew the State would have to make cuts. She said if the Federal government doesn't give money to states, this could change. She said the Fire levy was very important and we don't spent money foolishly in the City.

**COMMUNITY AFFAIRS:**

Mrs. Campbell said a **Wastewater Meeting** was supposed to be held on January 28 but that was the day of the big snow. She said she and Mr. Schlagheck were told the meeting would probably be cancelled but a couple people showed up so they held the meeting and sent the minutes. She said the pretreatment facility was demolished, the intermediate pump station is functioning and the large sewer main to the plat was about 40% complete with the whole thing to be in operation by the end of 2009.

Mrs. Campbell reported that **Miami Valley Regional Planning Commission** encouraged everyone to contact our legislators to pass the stimulus package with the infrastructure portion intact because that would include highways and bridges, etc.

**OLD BUSINESS: NONE**

**NEW BUSINESS:**

Mr. Fussner said there was a situation at the **intersection of Bonniedale and Rte. 725** particularly when traveling westbound on Rte. 725. He said it was becoming increasingly difficult to see that intersection at night. Mr. Schlagheck said he would ask our Service Department to look into it at night. Mayor Graves said she also was concerned about the intersection at North Linda looking east on Rte. 725. She said residents needed to cut bushes at intersections. Mr. Schlagheck said he would have those locations checked.

**OPEN DISCUSSION:**

Mayor Graves acknowledged two young women in the audience and invited them to introduce themselves. **Ashley Yane and Blake Karras** (Mr. Fussner's granddaughter) were from Wayne High School and Ashley explained that it was a requirement of their government class to attend some City Council Meetings. Blake said her family has been involved in many actions at Bellbrook Council Meetings.

Mr. Baird announced that as part of the latest PUCO rate case, one issue that was included but hadn't been finalized was that **Vectren** would be taking over repair of gas services from the meter to the gas main. He said that was potentially a big savings for residents. He said Vectren would be installing those in new construction as well. He said he expects a lot of publicity on this if it is approved.

Mr. Bennett said on January 28 he and his wife came home to hear their **carbon monoxide detector** going off and called the Fire Department who took two minutes to respond. He said they determined there was no carbon monoxide in the house but rather a faulty detector. He said if residents enjoy a quick response time from our Fire Department, he **hoped the levy coming up in May would be supported.** He thanked our Fire Department for their quick, professional response.

Mrs. Campbell mentioned she visited with **Burma Fernandez** who recently broke her hip and said she was doing well at the Heartland of Centerville Nursing home. The Mayor wished her the best.

Mayor Graves announced that residents were able to pick up a free **a radon detection packet** from the city offices. She said radon was a main cause of lung cancer. She invited residents to call Don at 848-4666 and request a packet to be picked up at city offices.

**Louie Schatzberg, 4082 Ridge Top Dr.**, commented that Chief Hall did a very nice job this evening with his presentation. He said that several years ago he participated in **National Night Out** and said he would like the city to do that again. He said National Night Out gives residents one night a year to honor our Police Department and learn about the hot topics are in the neighborhood and one night was not a lot to ask from our Police Department. Mayor Graves said she thought the years it was done in parks went well but it is difficult to get residents to volunteer their yards and provide refreshments. She recommended anyone interested contact Chief Helling.

Mayor Graves **thanked the viewing audience** and invited viewers to call her or the Clerk and she thanked **Louie Schatzberg**, cameraman, for his service.

Mayor Graves announced that **City Council would be adjourning into Executive Session for personnel matters.** to review the Clerk of Council's performance. She said audience members were welcome to stay as Council would reconvene and take official action on anything that was required as a result of the Executive Session.

**Mr. Bennett moved we adjourn to Executive Session.** Mr. Schweller seconded the

motion. There being no further discussion, the Clerk called the roll: Mr. Bennett, yes; Mr. Schweller, yes; Mr. Baird, yes; Mrs. Campbell, yes; Mr. Fussner, yes; Mr. Ritzel, yes; Mayor Graves, yes. The motion passed 7-0 and the **City Council meeting of February 9, 2009 was adjourned to Executive Session at 8:50 p.m.**

**Mayor Graves reconvened the Regular City Council meeting at 10:05 p.m.**

**Mr. Baird moved to approve a 3% salary increase for the Clerk of Council retroactive to January 1, 2009.** Mr. Fussner seconded the motion. There being no further discussion, the Clerk called the roll: Mr. Baird, yes; Mr. Fussner, yes; Mr. Bennett, yes; Mrs. Campbell, yes; Mr. Ritzel, yes; Mr. Schweller, yes; Mayor Graves, yes. The motion passed 7-0.

There being no further business to come before this regular session of Bellbrook City Council, **Mr. Schweller moved to adjourn.** Mrs. Campbell seconded the motion. The Clerk called the roll. Mr. Schweller, yes; Mrs. Campbell, yes; Mr. Baird, yes; Mr. Bennett, yes; Mr. Fussner, yes; Mr. Ritzel, yes; Mayor Graves, yes. The motion passed 7-0 and the **Regular Session of City Council was adjourned at 10:08 p.m.**

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Mary C. Graves, Mayor

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Jill D. Rosner, Clerk of Council