

RECORD OF PROCEEDINGS
Minutes of Bellbrook City Council Meeting
July 9, 2018

PRESENT: Mr. Nick Edwards
Mr. Forrest Greenwood
Mr. Darryl McGill
Mrs. Elaine Middlestetter
Mrs. Dona Seger-Lawson
Deputy Mayor Mike Schweller
Mayor Bob Baird

Mr. McGill made a motion to go into Executive Session at 6:30 pm to consider the purchase of property. Mrs. Middlestetter seconded the motion. The Clerk called the roll. Mr. McGill, yes; Mrs. Middlestetter, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mrs. Seger-Lawson, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion carried 7-0. Mr. Schweller recused himself from the Executive Session and exited the meeting room.

Being no further business, the Executive Session ended at 6:56 pm.

This is a summary of the City Council meeting held on Monday, July 9, 2018. Mayor Baird called the meeting to order at 7:00 pm and the Clerk called the roll.

After polling members of City Council, as there were no corrections or additions to the regular meeting minutes of June 25, 2018, Mayor Baird declared the minutes approved as written.

MAYOR'S ANNOUNCEMENTS/SPECIAL GUEST

PUBLIC HEARING OF ORDINANCES

Mr. Schweller **read Ordinance 2018-3** An Ordinance Authorizing the City Manager/Finance Director to Submit the Tax Budget for Fiscal Year 2019 to the Greene County Auditor. Mr. Schweller said this is a reoccurring item each year. This ordinance certifies our need for the property tax dollars that we receive annually.

Mayor Baird opened up for public comment. Seeing no comments from the public, the Mayor closed the public hearing and asked for a motion. Mr. Schweller made a motion to adopt **Ordinance 2018-3**. Mrs. Seger-Lawson seconded the motion. The Clerk called the roll. Mr. Schweller, yes; Mrs. Seger-Lawson, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mr. McGill, yes; Mrs. Middlestetter, yes; Mayor Baird, yes. The motion carried 7-0.

Mr. Greenwood **read Ordinance 2018-4** An Ordinance Amending Part Four – Traffic Code of the Bellbrook Municipal Code. Ms. Dodd said this ordinance continues to delete sections of the code that are duplicates of the ORC which is what the Police Department uses.

Mayor Baird opened up for public comment. Seeing no comments from the public, the Mayor closed the public hearing and asked for a motion. Mr. Greenwood made a motion to adopt **Ordinance 2018-4**. 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; Mr. Schweller, yes; Mayor Baird, yes. The motion carried 7-0.

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INTRODUCTION OF ORDINANCES

RESOLUTIONS

Mayor Baird **read Resolution 2018-U** A Resolution Inducting Dale Wilson to the City of Bellbrook Wall of Honor. Ms. Dodd said this was the idea of Chief Doherty as a way to honor Dale for his 41 plus years of service to the city. She said this was typically just a special announcement by the Mayor, but she decided that formalizing the honor with a resolution felt more fitting. Mayor Baird read the resolution to Mr. Wilson and presented him with a plaque. A plaque will also be displayed on the Wall of Honor located on the first floor of the City Administration Building. The Mayor offered Mr. Wilson to speak. Mr. Wilson thanked the Mayor and Council; he said it has been an honor to work for the city. Mr. Wilson also thanked his crew in the Service Department.

Mr. Edwards thanked Mr. Wilson for his leadership. Mr. Edwards said the most important thing in his mind is in the 24 years he has lived in Bellbrook, through all of the snow storms, he has always been able to get up the hill on W. Sudbury to his garage. Mr. Edwards thanked Dale and his team.

Mr. Greenwood said you can always tell a good leader by the people that work for you, they all love you. He said that Dale has handled everything that Mother Nature threw. Mr. Greenwood thanked Dale for his service to the city.

Mr. McGill said he met Mr. Wilson 14 years ago on a catch basin that was causing problems on his property. Mr. McGill thanked Mr. Wilson for his leadership and his management of the service.

Mrs. Middlestetter said Mr. Wilson takes time to help the Bellbrook Garden Club with the beautification projects around the city. She said mulch has always been there when the Garden Club needs it and the flowers are always watered. Mrs. Middlestetter said they sincerely have appreciated his cooperation.

Mrs. Seger-Lawson thanked Mr. Wilson for his service to the city and leadership to his group. She said he has done a great job.

Mr. Schweller said Mr. Wilson has done a great job managing all of the storms along with the water and street departments. Mr. Schweller said when there was a salt shortage; Mr. Wilson put together a color coded map of the city streets that would get plowed. Mr. Schweller said he thought it would turn out to be a disaster but it turned out to be a very seamless event. He said another seamless event was the Upper Hillside water main project that is currently going on. He said Mr. Wilson deserves a lot of credit for that. He thanked Mr. Wilson and said great job.

Mayor Baird thanked Mr. Wilson for all of his years of service. He said everyone has appreciated what he has done for the city over the last 41 years.

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Mrs. Middlestetter made a motion to **adopt Resolution 2018-U**. Mr. Schweller seconded the motion. The Clerk called the roll. Mrs. Middlestetter, yes; Mr. Schweller, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mr. McGill, yes; Mrs. Seger-Lawson, yes; Mayor Baird, yes. The motion carried 7-0.

Mr. McGill **read Resolution 2018-V** A Resolution Authorizing the City Manager to Enter into an Agreement with the Bellbrook-Sugarcreek Local School District for School Security. Ms. Dodd said this is an annual resolution passed so that the Police Department provides uniformed security to the schools for 4 hours each school day.

Mr. McGill made a motion to **adopt Resolution 2018-V**. Mr. Greenwood seconded the motion. The Clerk called the roll. Mr. McGill, yes; Mr. Greenwood, yes; Mr. Edwards, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion carried 7-0.

Mrs. Seger-Lawson **read Resolution 2018-W** A Resolution Authorizing the City Manager to Enter into an Agreement with the Bellbrook-Sugarcreek Local School District for Security at Home Football Games. This is also an annual agreement to provide Police Department security at home high school football games for 3 hours per game.

Mrs. Seger-Lawson made a motion to **adopt Resolution 2018-W**. Mr. Edwards seconded the motion. The Clerk called the roll. Mrs. Seger-Lawson, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mr. McGill, yes; Mrs. Middlestetter, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion carried 7-0.

Mayor Baird recused himself from Resolution 2018-X and exited the Council Chambers.

Mr. Edwards **read Resolution 2018-X** A Resolution Approving the Combination of Lots 58 and 59 of the Highview Terrace Subdivision, Section 3, Phase 2 into a Single Lot, Lot 58A. Ms. Dodd said this lot combination request was brought before the Planning Board at their June 7th meeting. The property owner purchased the two lots with the intention of building one larger home on the two combined lots. Ms. Dodd said there were utility easements but they have all been vacated.

Mr. Edwards made a motion to **adopt Resolution 2018-X**. Mrs. Seger-Lawson seconded the motion. The Clerk called the roll. Mr. Edwards, yes; Mrs. Seger-Lawson, yes; Mr. Greenwood, yes; Mr. McGill, yes; Mrs. Middlestetter, yes; Deputy Mayor Schweller, yes. The motion carried 6-0.

Mr. Schweller **read Resolution 2018-Y** A Resolution Authorizing the City Manager to Adjust the Pay Scales of City Positions not Covered by a Collective Bargaining Agreement. Mr. Schweller said this is wage increases to non-union employees. This year's adjustment is an increase of 2.75% which is in line with the bargaining unit increases. Ms. Dodd said this was already built into the budget for 2018.

Mr. Schweller made a motion to **adopt Resolution 2018-Y**. Mrs. Middlestetter seconded the motion. The Clerk called the roll. Mr. Schweller, yes; Mrs. Middlestetter, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mr. McGill, yes; Mrs. Seger-Lawson, yes; Mayor Baird, yes. The motion carried 7-0.

CITY MANAGER REPORT

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Ms. Dodd said there will be a Joint Meeting of Council, Sugarcreek Township, School Board and Park District officials on Monday July 16th at 6pm. The meeting will be held at the Sugarcreek Township Administration office.

Ms. Dodd said Service Director Dale Wilson is retiring effective August 3rd but his last day of employment will be July 13th. She said a retirement luncheon will be held at Romer's on Saturday, July 14th from 1-5pm.

Next, Ms. Dodd said Deputy Chief Interviews will be held on Friday, July 20th for the internal posting of the position.

Ms. Dodd said she is working on putting together a Fall Farmer's Market Pilot on the morning of September 15th in the municipal parking lot. Ms. Dodd said this is the first of a list of events that I would like to put together in an effort to get more people to the downtown area.

Mr. Greenwood asked Ms. Dodd if she has been in contact with the business owners in downtown to get their opinion. Ms. Dodd said she has not contacted them regarding the Farmer's Market but she said she has been very engaged with nearly all of the business owners.

Mrs. Seger-Lawson said she thinks we need to get some signage for the corner of Beryl Dr. and Bledsoe Dr. She said it was originally planned that Beryl Dr. would continue but the residents in Sugarcreek Township did not want that to happen. She thinks some signage is needed to say "stop driving" otherwise you drive right into someone's backyard.

COMMITTEE REPORTS

Service: No Report.

Safety: No Report.

Finance/Audit: Mr. Schweller asked for an update on the Ohio Audit. Ms. Dodd said they have not been around since the July 4 holiday.

Community Affairs: Mrs. Middlestetter said that the Little Miami Watershed Hoopla will be held on July 26th from 6-9 pm at the Bellbrook Middle School Gym. Basketball games are played between local groups to raise money.

Mayor Baird said on July 21st there will be an induction ceremony into the Bellbrook Football hall of fame.

Mayor Baird also said the Chamber golf outing is on August 16th. To register, contact the Chamber office at 848-4930.

Mrs. Seger-Lawson said the Eagle 5K will be held on July 29th at Bellbrook High school.

OLD BUSINESS

NEW BUSINESS

Ms. Dodd said this is an appeal hearing of a Village Review Board Case at 79 West Franklin St. Mayor Baird asked Ms. Dodd for some background information on this case. Ms. Dodd said this dates back to

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the winter of 2015. A dilapidated home was approved for demolition in November 2015 and a duplex was built in its place. If someone wishes to build in the Old Village they need to go through the Village Review Board. A public hearing is held to review the Application for Certificate of Appropriateness for the new structure. This certificate ensures the new structure will fit in with the surrounding structures. The VRB approved and construction occurred throughout 2016.

In early 2017 it was discovered that the construction did not match plans approved by the VRB. In August of 2017, the VRB meet to hear an appeal by the property owner. The appeal was denied. The VRB did make a motion to modify the property to install the gable with the decorative louver and install the faux windows on the north side of the property. Also install railings on the north and south side of each porch. A 120 day timeline for completion was given. In December 2017 the 120 day timeline lapsed. The previous City Manager sent a letter on December 22, 2017 regarding notification of violations of the Zoning Code, with another extension to correct violations. The letter stated that civil penalties would be assessed if the violations were not corrected.

On January 15, 2018 the City received a letter from the property owner's attorney stating he would like to appeal the Zoning Notice of Violations and would like a hearing on the matter.

On May 30, 2018, Ms. Dodd met with Mr. Jendrian regarding the violation. Mr. Jendrian said it would be expensive to install the gable but he offered to install the porch railings, install shutters on the north end of the property and pay the \$250.00 fine.

Ms. Dodd showed the original plans to Council. She said there are issues with these drawings and she said the structure could not be built to these plans.

Mayor Baird then asked Ms. Dodd to explain how we got here tonight. Ms. Dodd said in the Zoning Code, when the Village Review Board makes a decision, the property owner can appeal the decision to Council within 45 days. Ms. Dodd said the 45 days have obviously lapsed because that decision was made in 2017. At the last Council meeting, Council decided to grant that appeal even though it was outside of the 45 day window. Ms. Dodd said there is no further process in the Code but Council can hear the appeal and decided to uphold the VRB decision or deny the VRB decision with some modifications. Ms. Dodd said there is an appeal before Council tonight. Mr. Jendrian has offered to install the porch railings, install shutters on the north end of the property and pay the \$250.00 fine.

Mrs. Seger-Lawson said it was her understanding that the original plan for the new structure was denied by the VRB because it did not look like the structure next to it. The VRB wanted the new structure to look similar to other structures next to it. She said it is clear that there should be a gable on the property.

Mr. Schweller said he understands that they built to one of the specs. He said he would like to see them install the false gable if they could. Mr. Schweller said what does upset him is how long this project has gone on. He said we are reasonable people and he is disappointed that this has gone on for such a long period of time.

Mr. McGill is concerned with this appeal too. He said the owner of the property has basically said the gable was preferred but Mr. McGill said the gable was an integral part of the design. He said he understands it might have been overlooked but it was integral. Mr. McGill said the gable should have been installed. He also said this appeal is really no different than the modifications that the Village Review Board requested Mr. Jendrian to do in August, 2017. Mr. McGill said that Mr. Jendrian said he

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has built before and was at the property 2-3 times a week. He was not sure why Mr. Jendrian did not notice that the gable was not installed.

Mr. Greenwood said he believes that it was well known that the gable was to be installed on the property. He said all parties agreed to this and it is unfortunate that it has come to this but Mr. Greenwood said the gable needs to be installed on the property.

Mrs. Middlestetter said it looks like the side of the property is facing the main street. She said the gable needs to be installed so the property looks like it belongs.

Mr. Edwards said he agrees with his fellow Council members. He said the gable belongs there and it should be there. Mr. Edwards said by not enforcing it being there it could set a precedence to have people build whatever they want to build. He said we do not want that.

Mr. Paul Jendrian-property owner, 79 W. Franklin St. He thanked the Mayor and Council for allowing him to speak tonight. He said it is unfortunate that the outside of the property does not look like what was depicted in the drawing. Mr. Jendrian said he takes responsibility for it. He said he does not feel he has the money to install a gable now. He said it would be more practical to install the gable when the roof needs to be replaced in the future. He said the other items are not difficult and they could be done in a reasonable amount of time. Mr. Jendrian said the builder that built the property moved to Texas so he was not able to have him complete the gable. He said it would have been cheaper to have the builder install the gable because he was not going to charge Mr. Jendrian for his labor. Mr. Jendrian thanked the City Manager for speaking with him earlier in the month and he said he would appreciate Council working with him to get this resolved.

Mrs. Middlestetter said she does not understand why Mr. Jendrian would need to wait until the roof is replaced to install the gable. She said you would still be facing the same issues.

Mr. Jendrian said it would disturb the integrity of the roof.

Mr. Edwards said a faux gable would just set on top of the roof so he said it would not disturb the integrity of the roof.

Mrs. Seger-Lawson made a motion to accept the proposal from Mr. Jendrian at 79 W. Franklin Street to install shutters on north side of property, install railings on each porch, to pay the \$250.00 fine and defer the installation of the gable. Mr. Greenwood seconded the motion. The Clerk called the roll. Mrs. Seger-Lawson, no; Mr. Greenwood, no; Mr. Edwards, no; Mr. McGill, no; Mrs. Middlestetter, no; Mr. Schweller, yes; Mayor Baird, no. The motion was rejected 6-1.

Mr. Edwards made a motion to reject the appeal of 79 W. Franklin St. Mr. McGill seconded the motion. The Clerk called the roll. Mr. Edwards, yes; Mr. McGill, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson; yes; Mr. Schweller, no; Mayor Baird, yes. The motion carried 6-1.

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OPEN DISCUSSION

Mr. Jeff Owens, 120 N. Main St,-Chairman of the Village Review Board. He thanked the Mayor and Council for backing the Village Review Board's decision. Mr. Owens said they forgave Mr. Jendrian for many items that were originally agreed to on the property.

ADJOURN

Being no further business to come before this regular session of the Bellbrook City Council, Mayor Baird declared the meeting adjourned at 8:10 pm.

Robert L. Baird, Mayor

Jami L. Kinion, Clerk of Council