

MINUTES FOR THE REGULAR CITY COUNCIL MEETING September 25, 2023

Bellevue City Council met on Monday, September 25, 2023, at 7:30 p.m. Following the Pledge of Allegiance, a prayer was offered by Pastor and Council President, Mr. Smith. Council members present: MR. BAKER, MS. DOWNING, MRS. OMMERT, MR. SHEPHERD, MR. WALDRUP, and MR. WYNBISSINGER.

Minutes of the regular City Council meeting of September 11, 2023, were presented for approval. It was noted that the word "Pastor" needs to be removed from page 1 regarding Mr. Wynbissinger offering the prayer. A motion was made by Mr. Wynbissinger to approve the minutes as revised. It was seconded by Mr. Baker. The minutes are approved as revised.

REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS:

Safety-Service Director, Mr. Brugnone, stated that they have finished up the 2022 street resurfacing money. Albina was finished last week. State Route 20 repairs have been done and he has heard many positive comments about Route 20. 2023 street resurfacing should hopefully start next week.

The property on Gardner Road that the City purchased for demolition will be demolished in late October or early November. Jarretts Tree Services was included in the original bid and they can begin cleaning out the trees and brushes within the next two weeks before the demolition of the home.

They have started a program with the Street Department and Distribution for working on the ditches. They have to wait to work on some of the ditches until crops have been taken down and some fencing needs to be moved. They are looking at some of the agreements we have with the counties on how we handle the ditch maintenance. In the past, counties took care of some ditches and we took care of some. They want to look at the verbiage and see if we can get help or direction from the counties. At the present, they let us use some of their equipment, but we would like to see some of the programs offered and if they can help us do a better job of maintaining our ditches.

Law Director, Mr. Wallingford, stated that we have on the agenda tonight the ordinance to approve the 2023 codification updates and replacement pages from Walter H. Drane Company, which is also known as American Legal. This will be updating the codified ordinances for the things we have passed in the last year. It is also for things the State has passed that affect the City and are a matter of State law. We want to update our code so that if there is a violation, it can be charged under our code which gives the City more court fees. If it is charged under State law, it reduces the income to the City.

Each year, in declining numbers, he has been sent hard copies of replacement pages for the big codified ordinance books. If anyone is interested in receiving a set, he has one with him tonight. The codified ordinances are available online for everyone.

REPORTS OF CITY COUNCIL MEMBERS:

Mr. Waldrup stated that the work on Route 20 has left the road smoother and the equipment used was entertaining to his children.

Mr. Baker stated that he attended the recent Planning Commission meeting and thought it went very well. The application for re-zoning was denied. The meeting was well attended and very well run.

He will be meeting with the Administration regarding water rates. He wants to let Council know he may be scheduling a Public Utilities Committee meeting in the near future.

COMMITTEE REPORTS:

President Smith stated that a Committee of the Whole work session was held tonight at 7:00 p.m. They discussed supporting the proposed renovation of the Bellevue Rotary Senior Housing Corporation project with the remaining funds in the Revolving Loan Fund. We did a straw poll to see if Council wants to go along with this and it was a yes to go forward. There was a motion and a second to add the Ordinance No. 25-23 to our next agenda on October 10, which is a Tuesday, as Monday is a holiday.

CITIZEN COMMENTS: None.

PRESIDENT'S REPORT:

President Smith stated that Auditor, Mr. Smith, and Councilman, Mr. Hill, are excused tonight.

He received a letter from the Planning Commission denying a zoning change. He turned the time over to Mr. Wallingford to explain. Mr. Wallingford stated that it is concerning the Planning Commission's recent meeting regarding the application for a vacation and certain actions to facilitate a new Dollar General store in the southwest part of town across from Hogues Market near the railroad tracks. There were several moving parts to this, several of which would involve Council. To make this happen, this was to be at a southern area of a residential development that ceased to be developed in the southern part. It was subdivided, but not with lots yet, all the way to State Route 18. There was also a possible future right of way with a cul-de-sac to facilitate these lots which would be vacated. They were planning on dividing the lot between the north side and the south side. The north side would stay residential but the south part would become B-2 commercial outside the downtown district. There were issues having it right next to the residential area. The split is up to the Planning Commission as Council doesn't normally get involved in those. The main issue was re-zoning to have the southern part re-zoned B-2 so they can use it for commercial purposes. That goes through Council. There would have to be a public hearing with three readings. Finally the fourth matter is the site plan.

There were citizens attending the meeting who gave their opinions as to why it should be denied. The Planning Commission denied the request for the vacation and the re-zoning, which would be matters for Council. That was unanimously denied with one person not present for that. The letter has been sent to Council. Normally we are getting recommendations from the Planning Commission with something that Council wishes to approve and the procedure is to set up the public hearing and get the ordinances ready. In this case, with the denial, it is up to Council. They have the power to overrule the Planning Commission. They would then have a public hearing and it would require a $\frac{3}{4}$ majority of Council, or 6 out of 7 needed to do that. Council can think about it and decide. He stated his proposal, which is up to Council's approval, is that for the next meeting, we can send out a copy of the letter from the Planning Commission. Assuming that a public hearing is not desired to consider to overrule the Planning Commission, then we could get a motion ready so we have something in the record that the denial is being approved by City Council and they are not overruling it. He can draft a motion and have it sent out with the next agenda for the October 10 meeting if that is Council's pleasure. If the majority of Council is heading in another direction and wants to take up the matter and have a public hearing to overrule, then he would need to know that so we can get a publication ready. That really wouldn't totally solve the situation because Council only works on the zoning and the vacation. The Planning Commission has control over the split and site plan. So there are two paths Council can choose from. If there are any questions, let him know.

Mr. Shepherd inquired if the Dollar General people have made any attempts to appeal the denial and are there appellate options? Mr. Wallingford stated that administrative decisions can be appealed. They are normally not going to be overruled unless there is a good reason to do so which he doesn't see any reason in this case. President Smith stated that the public opinion of Dollar General wasn't against them as a company, but against the location. Mr. Wallingford stated that the Dollar General people were very professional and helpful and want the best for the City.

Mr. Shepherd made a motion to accept the Planning Commission's recommendation to deny the zoning change and not have a public hearing. Mr. Baker seconded it. A vote was taken and passed by the vote 6-0. Mr. Wallingford stated he will send out copies of the letter and prepare a written motion in addition to the minutes and send a copy of that to everyone.

President Smith then turned the time over to Mr. Wallingford for tonight's legislation.

LEGISLATION:

Ordinance No. 24-23 was given its first reading: AN ORDINANCE TO REVISE THE CODIFIED ORDINANCES BY ADOPTING REPLACEMENT PAGES, AND DECLARING AN EMERGENCY.

Ordinance No. 22-23 was given its second reading by title only: AN ORDINANCE REVISING THE SALARY AND BENEFITS OF THE FULL-TIME RECREATION DEPARTMENT EMPLOYEES OF THE CITY OF BELLEVUE, OHIO, THEREBY REPLACING ANY AND ALL PREVIOUS ORDINANCES OR RESOLUTIONS, INCLUDING BUT NOT LIMITED TO THE PREVIOUS ORDINANCE 9-14, AND DECLARING AN EMERGENCY.

Ordinance No. 23-23 was given its second reading by title only: AN ORDINANCE REVISING THE SALARY AND BENEFITS OF THE PART-TIME RECREATION DEPARTMENT EMPLOYEES OF THE CITY OF BELLEVUE, OHIO, THEREBY REPLACING ANY AND ALL PREVIOUS ORDINANCES OR RESOLUTIONS, INCLUDING BUT NOT LIMITED TO THE PREVIOUS ORDINANCE 11-14, AND DECLARING AN EMERGENCY.

CLOSING REMARKS:

President Smith thanked everyone for attending and requested a motion to adjourn.

ADJOURNMENT:

Motion to adjourn was made by Mr. Baker. It was seconded by Mr. Wynbissinger. All were in favor.

Respectfully submitted,

Ronald Smith
President of Council

Rhonda R. Soper
Clerk of Council