

**CITY OF BELLEFONTAINE NEIGHBORS  
BOARD OF ALDERMEN MEETING MINUTES  
December 20, 2018**

**MEETING WAS CALLED TO ORDER BY** Acting Mayor Alderman John Jordan at 7:30 p.m. Copies of all ordinances and resolutions to be considered at the meeting were made available for public inspection prior to the time of consideration by the Board of Aldermen.

**PLEDGE OF ALLEGIANCE TO THE FLAG** was led Acting Mayor Jordan.

At this time, there was a moment of silence for the passing of Officer Dave Owens.

**PRESENT:** City Attorney Kevin O'Keefe, City Collector Dr. Mark Tranel, Major Warren Williss (sitting in for Chief Jeremy Ihler), City Clerk Deni Donovan, Alderwoman West, Alderwoman Reed, Alderman Merz, Alderman Jordan, Alderman Christian, Alderwoman Dailes; and Alderwoman Avant-Elliott.

**ABSENT:** Mayor Robert Doerr, Chief Jeremy Ihler, Alderman Herl.

**APPROVAL OF THE AGENDA:** Alderwoman West moved for the approval of the Agenda, seconded by Alderwoman Reed. Motion carried unanimously.

**PRESENTATION OF THE UNAPPROVED MINUTES:** Alderman Merz moved for approval of the December 6, 2018, Minutes of the Board of Aldermen Meeting, seconded by Alderwoman Avant-Elliott. Motion passed.

**MEETING OPEN TO THE PUBLIC:**

Acting Mayor Jordan opened the meeting to the public and asked if anyone in the audience would like to make any comments, with a 3-minute time limit.

**CARNELL JONES, 11XX WENTWORTH DRIVE:** Comments on the past Board of Aldermen and how he's looking forward to the next year.

At this time, Major Williss gave a brief history of newly hired Officer Thomas Robertson. The Board welcomed him.

Acting Mayor Jordan asked if anyone had any other comments. Since there were none, the meeting was brought back to the Board.

**INVOICES OVER \$500:** Alderwoman Reed moved to pay invoices 1 through 16, dated December 19-20, 2018, in the amount of \$49,952.93, seconded by Alderman Merz. Motion carried.

Alderwoman Reed asked about ongoing legal issues being taken care of by Attorney Chris Hesse. Mr. Krenn was not sure when they would be wrapped up. Acting Mayor Jordan added he is working on the FOP contract, which is on hold along with other HR issues.

**INVOICES UNDER \$500:** Nothing to report.

**TREASURER'S REPORT:** The Board reviewed the July, 2017, through October, 2018, report. The City Treasurer reported the budget is up to date and the city is keeping on track. Alderwoman Avant-Elliott asked the City Treasurer if any adjustments are being made; Mr. Krenn is not aware of any adjustments needed now. Alderman Avant-Elliott questioned Mr.

Krenn about an amendment to the 2017-2018 budget. Alderman Christian asked about revenue items and the payment of revenue taxes. Alderwoman Avant-Elliott questioned the line items used; Mr. Krenn noted there are guidelines from the State. The Board may review. Discussion followed about meeting with Mr. Krenn. Alderwoman Avant-Elliott asked about the recommendations from the previous audit; Mr. Krenn said the city received a draft from the auditors along with recommendations which he'll need to review with the Mayor and City Clerk. The auditors should be at the January 17<sup>th</sup> Board Meeting.

**COLLECTOR'S REPORT:** The Board reviewed the November, 2018, Collector's reports. Dr. Tranel passed out a sheet containing all those requesting a 2019 liquor license. He made the following requests of the Board:

- Request for Board approval for the 2019 liquor licenses for businesses which have submitted the required documents: Aldi #6, Holy Name of Jesus Catholic Church (fee exempt), KD Patrol, Inc., QuikTrip #605, Ruler #408, Santa Kruz (Knights of Columbus) (fee exempt), and United Mart 1.

The City Collector noted that (2) of the businesses paid their fee in November, pending approval from the Board.

Alderman Merz made a motion to approve the liquor license requests by the City Collector, seconded by Alderwoman Reed. Motion carried.

**CHIEF OF POLICE:** The Board reviewed the November, 2018, Police report. Chief Ihler was excused. Major Williss reported on the following:

- Thanks from the police department regarding all the support given the Owens family; hopefully someone will fill in the Community Relations position soon.
- Be aware of your surroundings and don't warm up your cars – auto theft is out of control;
- Ear buds are a problem too;
- If something doesn't seem right, call the police; and
- Have a safe and happy holiday. No drinking and driving.

**CITY ATTORNEY:** Mr. O'Keefe announced the resignation of Alderman Al Herl. He explained the process by which the vacancy can be filled:

- The Mayor will nominate someone to fill the vacancy until the next Municipal election and subject to the approval of majority of the remaining Board members;
- A Special Election will be held on April 2, 2019;
- The city is allowed to have alternative filing and certification dates;
- His recommendation would be to open the filing date on December 27, 2018, at 8:00 a.m. and close on January 18, 2019, at 5:00 p.m.;
- This gives the city time to advertise and get the certification to the Board in a timely manner which is the same date as the regular election on January 22<sup>nd</sup>.

Questions from Alderwomen West, Reed, Avant-Elliott, and Dailes regarding previous vacancies (Dillworth and Roth); the necessity of having the Special Election on April 2<sup>nd</sup>; and clarification of an unexpired term.

Alderwoman West made a motion to hold a Special Election to fill the vacancy in Ward 1 to be held on April 2, 2019, with a filing period beginning on Thursday, December 27, 2018, at 8:00 a.m. and closing on Friday, January 18, 2019, at 5:00 p.m., with certification to be done by 5:00 p.m. January 22, 2019, seconded by Alderman Merz. Motion carried.

Alderwoman Avant-Elliott saw sunshine request research done on the City Attorney's invoice. Mr. O'Keefe explained the process of why the City Clerk would contact him. Alderwoman Dailes had questions about Nextdoor personnel asking for occupancy information from the City. Mr. O'Keefe said it didn't matter who the person was; anyone can make a sunshine request. Alderwoman Avant-Elliott questioned the process and the length of time to answer sunshine requests. Alderwoman West questioned whether a sunshine request is needed to view occupancy issues. Mr. O'Keefe stated, yes, it does, although personal information is redacted.

Mr. O'Keefe ended by saying Happy Holidays.

Alderwoman West said the discussion of the Chief of Police's salary in a closed session did not follow state statutes; she believes it was illegal. Mr. O'Keefe will need to find out all the facts.

#### **UNFINISHED BUSINESS:**

#### **NEW BUSINESS:**

Alderwoman Dailes said Pastor Martin came to the Planning & Zoning (P&Z) Meeting and presented a Letter of Intent to open a childcare center located at 10020 Bellefontaine Road. She made a motion to have a Public Hearing for a Conditional Use Permit (CUP) on January 17<sup>th</sup> at 7:30 p.m., seconded by Alderwoman Avant-Elliott. Motion carried.

Mr. Brian Bernasco (contractor) was, also, present at the Planning & Zoning Meeting. Alderwoman Dailes explained he said the property located at 10550 Toelle Lane has (2) parcels of land with only one deed. The owner would like to subdivide the property. Mr. O'Keefe said there was no need for a motion; he would prepare a Bill.

Alderwoman West wanted to hear more about the property. Mr. Nernasco explained the plans. A discussion followed about emergency vehicles and a letter written from the Riverview Fire Protection District.

Lastly, the Planning & Zoning Commission discussed the in-home day cares. After much discussion, they requested a Public Hearing to pass an Ordinance which would prohibit in-home day cares. Alderwoman Dailes made a motion to schedule a Public Hearing on January 17<sup>th</sup>, seconded by Alderman Merz. **Upon the roll being called the votes were cast as follows:** Alderwoman West; no; Alderwoman Reed, no; Alderman Merz, yes; Alderman Christian, yes; Alderwoman Dailes, yes; Alderwoman Avant-Elliott, no; and Alderman Jordan, no. With a 3-4 vote, the motion fails.

Attorney O'Keefe stated P&Z has the right to make recommendations. What the Board does with it after that is up to them. This does not end in-home day care regulations. Discussion followed. Alderman Christian questioned why the Board would not want to schedule a Public Hearing to hear input from the public.

Alderman Jordan requested written documentation from P & Z as to why they recommended banning in-home day cares in Bellefontaine Neighbors.

Alderwoman Avant-Elliott asked if the Board of Aldermen can regulate how many day cares there are in the city; Attorney O'Keefe said he would prefer to have this conversation in an attorney/client context.

Alderwoman West is still upset how Chief Ihler's salary was handled. She made a motion to have this item added to the Agenda for the next meeting to be discussed and voted on, seconded by Alderman Christian. Discussion followed about the public vote. Alderwoman West

said the closed meeting should not have taken place. Alderwoman Avant-Elliott said Attorney Helmut Starr was at the closed meeting.

**Upon the roll being called the votes were cast as follows:** Alderwoman West, yes; Alderwoman Avant-Elliott, no; Alderman Christian, yes; Alderman Merz, yes; Alderwoman Reed, no; Alderman Jordan, no; and Alderwoman Dailes; no.

With a 3-4 vote, the motion fails.

Alderwoman West made a motion to have the residents who win either the Home Beautification Award or the Christmas Decoration Award should come to City Hall to pick up their recognition opposed to the Aldermen delivering them; a 2<sup>nd</sup> motion was not made. There was no motion.

**REPORT OF THE ACTING MAYOR** (taken from Mayor Doerr's notes):

- Filing for Mayor opened December 11<sup>th</sup>;
- Greg McDanel resigned;
- The Mayor's Ball is March 9<sup>th</sup>;
- Alderman Al Herl has resigned; and
- Merry Christmas to all.

He announced the winners of the Christmas Award as chosen by the Image & Beautification Board.

**REPORT OF THE ALDERMEN:**

**ALDERMAN MERZ:** Welcomed Officer Robertson. Condolences to the Owens family. Merry Christmas and Happy New Year.

**ALDERWOMAN REED:** Thanked everyone for attending tonight. Thanks to Dr. Tranel for the spreadsheet provided for the liquor license applicants. It was a nice meeting. Condolences to the Owens family. Merry Christmas and Happy New Year.

**ALDERWOMAN WEST:** Officer Owens will be missed. Happy Holidays and Happy Kwanzaa. Be safe.

**ALDERWOMAN AVANT-ELLIOTT:** Thanks for coming out tonight; input and listening to the process is important. She was told the open position for evidence manager will be posted soon. Happy Holidays. Do your homework when it comes to the candidates for Mayor. Work with the incoming Mayor.

**ALDERWOMAN DAILES:** The Gentlemen of Vision will be out in the community. Merry Christmas and Happy New Year.

**ALDERMAN CHRISTIAN:** Condolences to the Owens family. Congratulations to Officer Robertson. Thanks to Al Herl for his service. Congrats to the Christmas Award winners. Merry Christmas and Happy Kwanzaa. Be safe. He confirmed he did file for Mayor.

**ALDERMAN JORDAN:** Condolences to the Owens family. Thanks to those who showed up tonight; next time, bring a friend. Merry Christmas and enjoy the Kwanzaa Celebration.

City Clerk, Deni Donovan, said it needed to be noted in the minutes that due to the retention guidelines for disposed cases, the Special Prosecutor's assistant will be destroying some records.

**MARK TRANEL, CITY COLLECTOR:** On behalf of the Special Administrative Board (SAB) and the students of the Riverview Gardens School District, Greetings and have a happy and safe Holiday Season.

**MEETING OPEN TO THE PUBLIC:**

Acting Mayor Jordan opened the meeting to the public and asked if anyone in the audience would like to make any comments, with a 3-minute time limit.

**WANDA LANE, 99XX MARTINGALE ROAD:** She questioned the accreditation of the school district. Dr. Tranel said it should be reported on February 1<sup>st</sup>. She was told Gregg McDanel was the evidence manager. There will be no Public Hearing for the in-home day cares. Discussion followed on in-home day cares vs. day cares as a business. She stated the last meeting was uncomfortable due to cross talking, interruptions, and the "salty" language used. She asked if there could be a Sergeant of Arms. Mr. O'Keefe said the Chair should keep the order.

The Acting Mayor brought the meeting back to the Board.

Alderwoman Reed made a motion to adjourn the meeting, seconded by Alderwoman Avant-Elliott. Motion carried unanimously.

**MEETING ADJOURNED:** Meeting adjourned at 9:00 p.m.

**ATTEST:**

  
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Deni Donovan, City Clerk

Approved by the Board of Aldermen on JANUARY 3, 2019