



BELLBROOK CITY COUNCIL AGENDA
November 13, 2017

5:30 pm Work Session-2018 Budget Review-Police and Fire Departments

7:00 pm-Regular Meeting

City of Bellbrook
15 E. Franklin Street
Bellbrook, Ohio 45305

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www.cityofbellbrook.org

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Formal Approval of the City Council Regular Meeting Minutes of October 23, 2017.
5. Mayor's Announcements/Special Guest
 - Employee Service Recognition
6. Public Hearing of Ordinances

Ordinance 2017-9 An Ordinance Amending Chapter 1224 "Subdivision Regulations" of the Bellbrook Municipal Code. (Middlestetter)

Ordinance 2017-10 An Ordinance Amending Article 19 "Enforcement and Penalties" of the Bellbrook Zoning Code. (Edwards)
7. Introduction of Ordinances

Ordinance 2017-11 An Ordinance Amending Chapter 1454 "Registration of Abandoned Properties" of the Bellbrook Municipal Code. (Seger-Lawson)
8. Resolutions
9. City Manager's Report
10. Committee Reports
 - A. Service
 - B. Safety
 - C. Finance/Audit
 - D. Community Affairs
11. Old Business
12. New Business
13. Open Discussion
14. Adjourn

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

ABSENT: Mrs. Dona Seger-Lawson

This is a summary of the City Council meeting held on Monday, October 23, 2017. Mayor Baird called the meeting to order at 5:45 pm and the Clerk called the roll.

Mr. McGill made a motion to go into executive session at 5:45 pm to discuss Personnel Matters-To consider the employment or discipline of a public employee. Mrs. Middlestetter seconded the motion. The Clerk called the roll: Mr. McGill, yes; Mrs. Middlestetter, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion carried 6-0.

Mr. McGill made a motion to exit out of executive session at 6:13 pm. Mr. Greenwood seconded the motion. The Clerk called the roll: Mr. McGill, yes; Mr. Greenwood, yes; Mr. Edwards, yes; Mrs. Middlestetter, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion carried 6-0.

Following the executive session, a work session was held to review the 2018 Service Budget. Service Director, Dale Wilson was also present.

Being no further business the work session ended at 6:55 pm.

Mayor Baird called the regular council meeting to order at 7:00 pm and the Clerk called the roll.

Mrs. Seger-Lawson was absent. **Mrs. Middlestetter moved to excuse Mrs. Seger-Lawson.** Mr. Edwards seconded the motion. The Clerk called the roll: Mrs. Middlestetter, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mr. McGill, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion carried 6-0.

After polling members of City Council, as there were no corrections or additions to the regular meeting minutes of October 9, 2017, Mayor Baird declared the minutes approved as written.

MAYOR'S ANNOUNCEMENTS/SPECIAL GUEST

PUBLIC HEARING OF ORDINANCES

INTRODUCTION OF ORDINANCES

Mrs. Middlestetter read **Ordinance 2017-9** An Ordinance Amending Chapter 1224 "Subdivision Regulations" of the Bellbrook Municipal Code. Mr. Schlagheck said this ordinance will increase the amount of the cash bond required for plan review and inspection fees for new developments from 4%

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to 6%. He said the 4% amount has not been sufficient to cover the review and inspection costs for several projects. Developers are invoiced for any amounts due beyond the initial cash bond requirement. This ordinance will be set for a public hearing to be held at the November 13, 2017 meeting.

Mrs. Middlestetter made a motion to **introduce Ordinance 2017-9**. 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; Mayor Baird, yes. The motion carried 6-0.

Mr. Edwards **read Ordinance 2017-10** An Ordinance Amending Article 19 "Enforcement and Penalties" of the Bellbrook Zoning Code. Mr. Schlagheck said this ordinance amends the Zoning Code to allow for civil penalties to be issued for zoning violations. This amendment is similar to the one previously approved for the property maintenance violations. He also said that this provides another option other than criminal prosecution. The Planning Board held a public meeting on October 18th and recommended this amendment to Council. This ordinance is also set for a public hearing to be held at the November 13, 2017 meeting.

Mr. Edwards made a motion to **introduce Ordinance 2017-10**. Mr. McGill seconded the motion. The Clerk called the roll. Mr. Edwards, yes; Mr. McGill, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion carried 6-0.

RESOLUTIONS

Mr. Greenwood **read Resolution 2017-DD** A Resolution Approving the Re-plat of Lot #1B into Lots #1D and #1E, Highview Terrace Subdivision Section I. Mr. Schlagheck said this re-plat separates a portion of Lot #1B that may be needed for future road improvements. This re-plat was approved by the Planning Board on October 18th.

Mr. Greenwood made a motion to **adopt Resolution 2017-DD**. Mrs. Middlestetter seconded the motion. The Clerk called the roll: Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mr. Edwards, yes; Mr. McGill, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion was carried 6-0.

CITY MANAGER REPORT

Mr. Schlagheck said Halloween is next Tuesday, October 31st from 6:00 to 8:00 pm. Sugarcreek Township will observe Halloween that evening too.

Mr. Schlagheck said Mayor Baird received a call from a representative of the Treasurer of State's Office regarding the Open Check Book. The software would allow the City to post check payments on-line. Mr. Schlagheck said we don't get many inquiries about payments but he would be more than happy to share that information with anyone. Mr. Schweller asked if the software was compatible with our new finance software. Mr. Schlagheck said a file could be exported. He said the software that is offered by the Treasurer of State is just a check book; it does not offer any additional details or context about the expenditure. Mr. Schlagheck said additional software that could provide more detail is offered but the City would have to pay for it. Mr. Schweller said he has looked at this Open Check Book for other cities

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and it can be confusing. He said he does not think there is any value in it and he recommended that we defer the Open Check Book. Other members of Council agreed.

Mr. Schlagheck said at the last meeting, Mrs. Seger-Lawson asked about the Emergency Operations Plan. Mr. Schlagheck said the City does have an Emergency Operations Plan to help in preparation for any number of significant events (weather, civil disturbance etc.). He has asked the department heads to review the current plan and note any needed updates. In addition, Greene County Emergency Management Authority has a similar plan on a county wide basis.

Lastly, Mr. Schlagheck said this is the last meeting before Election Day on November 7th. The levy on the ballot is a general fund, 3.0 mill, 5-year property tax levy. He said there was some attendance at the last informational meeting. One component to the levy is to add a full time police officer. The school has requested a full time resource officer. There are four schools within the city limits. The resource officer would rotate between these schools. This resource officer would provide law enforcement presence and possibly deter a criminal situation at a school. Another component of the levy is to hire a full time fire fighter. Currently, we do not have any volunteer firefighters. A new position would provide two full time fire fighters on each shift. The last component to the levy is to make improvements to the downtown area. There was a great interest in improving the downtown area after the Walkability Work Shop. Some potential improvements to the area include: making improvements to sidewalks, new lighting and new street scape improvements.

Mr. Schweller asked Mr. Schlagheck if he received any calls or emails from residents regarding the levy. Mr. Schlagheck said he has not heard from anyone. He did say there was an informational postcard that was mailed to residents and information is also available on the website. The Dayton Daily News has written several articles and the Xenia Gazette will be running an article. Mr. Schweller thanked Mr. Schlagheck and the city staff for making residents aware of this levy. Mr. Schweller said with the cuts at the State level, this levy is needed to move forward at the level that residents are accustomed to.

COMMITTEE REPORTS

Service: No Report

Safety: Mr. Greenwood said the general fund levy is an investment in the future. He also said the levy will help Bellbrook stay a desirable place to live. He encouraged everyone to get out and vote.

Finance/Audit: Mr. Schweller reported that the State Auditor has issued the financial statements for calendar year 2016. The financial statements were audited and reviewed by State Auditors and found to have no material exceptions. Mr. Schweller said it is a great accomplishment for City Staff. He also said the City saves money because our current City Manager, Mark Schlagheck, is both City Manager and Finance Director. Many other cities would have two people to fill those positions.

Community Affairs: No Report

OLD BUSINESS-

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NEW BUSINESS

Mr. Schweller made a motion to authorize the competitive bid for the Upper Hillside Water Main Improvement Project. Mr. McGill seconded the motion. The Clerk called the roll. Mr. Schweller, yes; Mr. McGill, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mayor Baird, yes. The motion carried 6-0.

OPEN DISCUSSION:

Mr. Edwards encouraged the residents to come out and support the levy on November 7th. He said people live in Bellbrook for a reason because they feel safe and secure. The levy is one way to maintain that now and the future.

Mr. McGill said the levy is needed for our future. He encouraged everyone to exercise their right to vote.

Mrs. Middlestetter put the levy into household terms. She said the City has not had a raise in 8 years. The income was reduced but our property taxes have not increased in 8 years.

Mr. Schweller encouraged everyone to vote yes on the levy. If they have any questions, please contact a Council member or City Staff. He said the levy is essential for the operations of the City.

Mayor Baird wanted to remind residents that only 22% of our property taxes come to the City. Also, Bellbrook does not have a municipal income tax. The Mayor said the City is trying to make up for revenue reductions from the State.

Several Boy Scouts from Troop 275 were at Council tonight. They are each working on different badges. The Mayor presented each scout with a city pin. The Mayor and Council thanked the Boy Scouts for coming to the meeting tonight.

Doug Johnson-208 Pinegrove Dr.-Mr. Johnson asked if the Upper Hillside Dr. water main improvement project would include sidewalks and resurfacing of the streets. Mr. Schlagheck said the project does not include sidewalks but the streets will be resurfaced once the water main work has been completed. Mr. Johnson asked several questions about the location of the new water main. Mr. Johnson also asked who was responsible for repairing sidewalks. Mr. Schlagheck said the property owner or business owner is responsible. Mr. Johnson mentioned the handicap ramps at the intersection of Main and Franklin and that they were a hazard. Next, he asked about the handling of traffic tickets issued by the City. He inquired whether the City has considered a Mayor's Court. Mr. Johnson asked if anyone reviewed the Kettering Fire Academy that he mentioned at the last levy information meeting. Mr. Johnson asked what is considered downtown for the purpose of the levy and mentioned that several businesses in the downtown area need improvement. Finally, Mr. Johnson asked if bids had been received for the Upper Hillside Water Main Project yet. Mr. Schlagheck answered that Council just authorized the bid earlier this evening.

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ADJOURN

Being no further business to come before this regular session of the Bellbrook City Council, Mayor Baird declared the meeting adjourned at 7:48 pm.

Robert L. Baird, Mayor

Jami L. Kinion, Clerk of Council

RECORD OF ORDINANCES

Ordinance No. 2017-9

November 13, 2017

City of Bellbrook

Ordinance No. 2017-9

An Ordinance Amending Chapter 1224 “Subdivision Regulations” of the Bellbrook Municipal Code.

WHEREAS, the City of Bellbrook has enacted Chapter 1224 of the Bellbrook Municipal Code which is entitled “Subdivision Regulations”; and

WHEREAS, the purpose of Chapter 1224 is to protect the peace, health, safety and welfare of the citizens of Bellbrook; and

WHEREAS, the City desires to amend Chapter 1224 of the Bellbrook Municipal Code to increase the amount of the cash bond provided by subdividers for plan review and inspection costs.

Now, Therefore, The City of Bellbrook Hereby Ordains:

Section 1. That the following amendments to Chapter 1224 “Subdivision Regulations” of the Bellbrook Municipal Code be approved with additions shown by italics and underlined and deletions shown by strikethrough and brackets:

§1224.01. - Fees.

The following fees are required under the Subdivision Regulations for the platting of land in the City:

- (a) Preliminary Filing Fee \$200.00 plus \$25.00 per acre
- (b) Final Filing Fee 250.00 plus \$25.00 per acre
- (c) Lot Split/Lot Combination Fee 50.00

(d) Inspection fees. Prior to approval by the Planning Board of a final plat and construction plans, the subdivider shall provide a cash bond in the amount of [~~four percent~~] six percent (6%) of the estimated cost of the public improvements (streets, curbs, sidewalks, storm sewers and waterlines) to the Finance Office. The subdivider's engineer of record shall provide an estimate as to quantities and prices and, if a discrepancy exists between the subdivider and the City Engineer's estimates, the inspection deposit will be based on the City Engineer's estimate.

(e) Inspection costs. Inspection costs and the cost of subdivision plan review performed under contract by the City shall be charged against the [~~four percent~~] six percent (6%) deposit. Any portion of the deposit not used shall be returned to the developer at the time the performance bond or letter of credit is released. However, if funds deposited at the time of filing are not sufficient to cover all inspection costs, additional inspection fees shall be required when needed, at the discretion of the City Manager.

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(f) Water and sewerage connection fees. All fees for connection to the City water system shall be established in Chapter 1042 of this Code. All fees for connection to the County sanitary sewer system shall be set by the Greene County Department of Sanitary Engineering and paid to that agency.

(g) Failure to pay filing fee. If a filing fee is not paid prior to the initiation of construction, a penalty of 50 percent of the filing fee shall be added to the fees listed in this section if the project is in full compliance with the Zoning Code.

Section 2. This ordinance shall take effect and be in force from and after the earliest period provided by law.

PASSED this ____ day of _____, 2017.

Robert L. Baird, Mayor

Jami L. Kinion, Clerk of Council

APPROVED AS TO FORM:
Patricia N. Campbell, Municipal Attorney

RECORD OF ORDINANCES

Ordinance No. 2017-10

November 13, 2017

City of Bellbrook

Ordinance No. 2017-10

An Ordinance Amending Article 19 “Enforcement and Penalties” of the Bellbrook Zoning Code.

WHEREAS, the City of Bellbrook has enacted the Bellbrook Zoning Code; and

WHEREAS, the purpose of the Zoning Code is to protect the peace, health, safety and welfare of the citizens of Bellbrook; and

WHEREAS, the City desires to amend Article 19 “Enforcement and Penalties” of the Bellbrook Zoning Code to allow for the assessment of civil penalties for violations of the Zoning Code; and

WHEREAS, the Bellbrook Planning Board conducted a public hearing on the amendment to the Zoning Code on October 17, 2017; and

WHEREAS, the Bellbrook Planning Board unanimously approved the amendment and recommended adoption by City Council; and

WHEREAS, all amendments to the Zoning Code must be approved by ordinance

Now, Therefore, The City of Bellbrook Hereby Ordains:

Section 1. That the following amendment to Article 19 “Enforcement and Penalties” of the Bellbrook Zoning Code be approved with additions shown by italics and underlined and deletions shown by strikethrough and brackets:

ARTICLE 19 ENFORCEMENT AND PENALTIES

19.12 PENALTIES:

(1) Violation of any provision of this ordinance or any amendment or supplement thereto, or failure to comply with any of the requirements of this [~~ordinance~~] Code may be enforced either through [:] the filing of a misdemeanor complaint or assessment of a civil penalty, or both.

(a) Minor misdemeanor. Except as otherwise provided herein, any person, firm, or corporation violating any of the provisions of this Code, or any amendment or supplement thereto, shall upon conviction of a minor misdemeanor, be fined not more than one hundred dollars (\$100).

(b) Civil penalties. A person who violates any provision set forth in a provision of the Zoning Code has committed a civil offense and is subject to civil penalties. Prior to assessment of a civil penalty, the Zoning Inspector shall issue written notice of the civil violation to the offending person. The notice shall include:

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- ~~(1) Filing of a misdemeanor complaint; or~~
- ~~(2) Assessment of a civil penalty; or~~
- ~~(3) Both.~~

~~Prior to filing a misdemeanor complaint or assessment of a civil penalty, the Zoning Inspector shall issue a written notice of the violation to the offending person. The notice shall include:]~~

- (1) The street address of the property subject to the notice of violation;
- (2) A description of the violation and the section(s) of the ordinance violated;
- (3) Corrective action that will eliminate or correct the violations; ~~[and]~~
- (4) ~~[A]~~ The reasonable time frame required to correct the violation~~[-];~~
- (5) Provide information to the property owner of the right to a hearing before the Board of Zoning Appeals if a request for a hearing is made within twenty (20) days of receipt of the notice;
- (6) When applicable, include a statement of the right to file a lien.

(2) The written notice of the violation shall be served by one of the following methods:

- (a) delivered personally;
- (b) sent by certified mail to the last known address and receiving a return receipt showing delivery of the mailing; or
- (c) if the notice is returned showing that the letter was “unclaimed,” service by regular mail;
- (d) if the notice is returned showing that the letter was not delivered for reason other than “unclaimed,” a copy of the notice shall be posted in a conspicuous place in or about the structure affected by such notice.

(3) A person served with a notice of civil violation may request a hearing before the Board of Zoning Appeals to contest the commission of a violation, to offer an explanation of the circumstances, or to offer proof of correction. The request shall be made in writing and received by the city within 20 days of the person’s receipt of the notice of violation. The hearing shall be conducted in accordance with the provisions of Article 20 of the Zoning Code. If the person desires the presence, at the hearing, of the Zoning Inspector, the person must request the same in their written response to the notice of civil violation.

If the person served fails to remedy the zoning violation within a reasonable time, if the person admits the offense by written response, or if the person fails to attend a requested hearing, the Zoning Inspector may pursue enforcement as set forth in this section. If the person denies the offense by written response, the person must also request a hearing before the Board of Zoning Appeals.

In accordance with Section 19.15 of the Zoning Code, when a notice of civil violation has been issued pursuant to this section, the following amounts are hereby assessed upon the violator:

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(a) Any violation of the Zoning Code that is a first offense shall be twenty-five dollars (\$25) per day, per offense, or two hundred fifty dollars (\$250) per offense total.

(b) Any violation of the Zoning Code that is a second offense shall be fifty dollars (\$50) per day, per offense, or five hundred dollars (\$500) per offense total.

(c) Any violation of the Zoning Code that is a third offense shall be seventy-five dollars (\$75) per day, per offense, or seven hundred fifty dollars (\$750) per offense total.

~~[If the offending party fails to remedy the zoning violation within a reasonable time, the Zoning Inspector may pursue enforcement as set forth in this section.~~

~~Except as otherwise provided herein, any person, firm or corporation violating any of the provisions of this ordinance, or any amendment or supplement thereto, shall upon conviction of a minor misdemeanor, be fined not more than one hundred dollars (\$100). Except as otherwise provided herein, any person, firm or corporation violating any of the provisions of this ordinance, or any amendment or supplement thereto, may be assessed a civil penalty. The City Council shall establish a schedule of assessed penalties based upon the severity of the violation. The maximum civil penalty shall not exceed fifty dollars (\$50) per day, per offense, or five hundred dollars (\$500) per offense total.]~~

(4) Those who erect signs contrary to the provision of this [~~ordinance~~] Code shall be fined upon conviction or assessed by civil penalty not more than ten dollars (\$10) per offense, up to a maximum of four (4) offenses in any twelve (12) month period. Illegal signs are subject to confiscation by the City and will not be returned to the owners until all penalties are satisfied; unclaimed signs shall be held for thirty (30) days and then disposed of as surplus property. Convictions or civil penalties for sign violations in excess of four (4) offenses in a twelve month period shall be fined, upon conviction, or assessed a civil penalty an amount not to exceed twenty-five dollars (\$25) per offense.

Section 2. This ordinance shall take effect and be in force from and after the earliest period provided by law.

PASSED this ____ day of _____, 2017.

Robert L. Baird, Mayor

Jami L. Kinion, Clerk of Council

APPROVED AS TO FORM:

Patricia N. Campbell, Municipal Attorney

RECORD OF ORDINANCES

Ordinance No. 2017-11

November 27, 2017

City of Bellbrook

Ordinance No. 2017-11

An Ordinance Amending Chapter 1454 “Registration of Abandoned Properties” of the Bellbrook Municipal Code.

WHEREAS, the City of Bellbrook has enacted Chapter 1454 of the Bellbrook Municipal Code which is entitled “Registration of Abandoned Properties”; and

WHEREAS, the purpose of Chapter 1454 is to protect the peace, health, safety and welfare of the citizens of Bellbrook; and

WHEREAS, the City desires to amend Chapter 1454 of the Bellbrook Municipal Code to allow for the assessment of civil penalties for violations.

Now, Therefore, The City of Bellbrook Hereby Ordains:

Section 1. That the following amendments to Chapter 1454 “Registration of Abandoned Properties” of the Bellbrook Municipal Code be approved with additions shown by italics and underlined and deletions shown by strikethrough and brackets:

§1454.08. – Violations; Penalties.

- (a) [~~Each and every day a violation of this Code continues shall constitute a separate offense.~~] Whoever violates any provision of this Code [~~shall be guilty of a misdemeanor and shall be fined not more than or less than:~~] has committed a civil offense and is subject to civil penalties.

~~(1) First offense. Not more than five hundred dollars (\$500.00) or less than fifty dollars (\$50.00).~~

~~(2) Second or subsequent similar offenses within one calendar year. Not more than five hundred dollars or less than two hundred dollars (\$200.00) and imprisoned not more than 90 days, or both.]~~

- (b) [~~No person shall be imprisoned under this section for the first offense, and the prosecution shall always be as if for a first offense unless the affidavit upon which the prosecution is initiated contains the allegation the offense is a second or repeated offense.~~] When a civil offense has occurred, the following amounts are hereby assessed upon the violator:

(1) A first offense shall be twenty-five dollars (\$25) per day, per offense, or two hundred fifty dollars (\$250) per offense total.

(2) A second offense shall be fifty dollars (\$50) per day, per offense, or five hundred dollars (\$500) per offense total.

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(3) A third offense shall be seventy-five dollars (\$75) per day, per offense, or seven hundred fifty dollars (\$750) per offense total.

Section 2. This ordinance shall take effect and be in force from and after the earliest period provided by law.

PASSED this ____ day of _____, 2017.

Robert L. Baird, Mayor

Jami L. Kinion, Clerk of Council

APPROVED AS TO FORM:
Patricia N. Campbell, Municipal Attorney