



BELLBROOK CITY COUNCIL AGENDA

January 25, 2016

City of Bellbrook

15 E. Franklin Street
Bellbrook, Ohio 45305

T (937) 848-4666

F (937) 848-5190

www.cityofbellbrook.org

7:00 pm—Regular Meeting

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Formal Approval of the City Council Executive Session and Regular Meeting Minutes of **January 11, 2016**

5. Mayor's Announcements/Special Guest-Oath of Office

- Scott Carlson, Village Review Board
- Donna Gibson, Historical Museum Board of Trustees
- Janis Stratis, Historical Museum Board of Trustees
- Sharon Schroder, Board of Zoning Appeals

6. Introduction of Ordinances

Ordinances 2016-1 An Ordinance Amending Certain Sections of the City of Bellbrook Zoning Code. (Edwards)

7. Resolutions

Resolution 2016-D A Resolution Directing the Greene County Auditor to Enter the Delinquent Cost of Weed and Grass Mowing on the Tax Duplicate for the Properties Attached Hereto. (Greenwood)

Resolution 2016-E A Resolution Directing the Greene County Auditor to Enter the Delinquent Cost of Unpaid Water Bills on the Tax Duplicate for the Properties Attached Hereto. (Middlestetter)

Resolution 2016-F A Resolution Directing the Greene County Auditor to Enter the Delinquent Cost of Minor Nuisance Abatement on the Tax Duplicate for the Properties Attached Hereto. (Schweller)

8. City Manager's Report
9. Committee Reports

- A. Service
- B. Safety
- C. Finance/Audit
- D. Community Affairs

12. Old Business

13. New Business

14. Open Discussion

15. Adjourn

RECORD OF PROCEEDINGS
Minutes of Bellbrook City Council Meeting
Executive Session
January 11, 2016

PRESENT: Mr. Nick Edwards
Mr. Forrest Greenwood
Mr. Jon Martin
Mrs. Elaine Middlestetter
Mr. Mike Schweller
Mayor Bob Baird

This is a summary of the City Council Executive Session held on January 11, 2016 at 6:00 pm to discuss personnel matters, compensation of a Public Official. The Clerk called the roll.

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

Mr. Martin made a motion to go into executive session at 6:03 pm to discuss personnel matters, Compensation of a Public Official – the performance evaluation of the City Manager. Mrs. Middlestetter seconded the motion. The Clerk called the roll: Mr. Martin yes; Mrs. Middlestetter, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mr. Schweller yes; Mayor Baird, yes. The motion was carried 6-0.

Mrs. Seger-Lawson arrived at 6:45 pm.

Mr. Martin made a motion to exit out of executive session. Mr. Schweller seconded the motion. The Clerk called the roll: Mr. Martin yes; Mr. Schweller yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Mayor Baird, yes. The motion was carried 7-0.

Being no further business the executive session ended at 6:54 pm.

Robert L. Baird, Mayor

Jami L. Kinion

RECORD OF PROCEEDINGS

Minutes of Bellbrook City Council Meeting

January 11, 2016

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

This is a summary of the City Council meeting held on Monday, January 11, 2016. 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 December 14, 2015**, Mayor Baird declared the minutes approved as written.

Mr. Martin made a motion to re-appoint Mr. Schweller as Deputy Mayor. Mr. Edwards seconded the motion. The Clerk called the roll. Mr. Martin, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Mr. Schweller, abstained; Mayor Baird, yes. The motion carried 6-0.

Mrs. Seger-Lawson made a motion to approve the 2016 Committee Assignments. A copy of the Assignments is attached to these minutes. Mrs. Middlestetter seconded the motion. The Clerk called the roll. Mrs. Seger-Lawson, yes; Mrs. Middlestetter, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mr. Martin, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion carried 7-0.

MAYOR'S ANNOUNCEMENTS

Police Chief Doug Doherty introduced the newest members of the Bellbrook Police Department, Jayme Johnson. He will serve as a part time officer for the department. Mayor Baird administered the Oath of Office to Mr. Johnson.

Mayor Baird welcomed and congratulated Officer Johnson.

RESOLUTIONS

Mr. Edwards read **Resolution 2016-A**. A resolution authorizing the City Manager/Finance Director to file with the County Auditor requests for advances of taxes collected. This is an annual resolution that allows the City to get the tax dollars sooner.

Mr. Edwards made a motion to adopt Resolution No. 2016-A with a change in Section 1 to change the year from 2015 to 2016. Mr. Greenwood seconded the motion. The Clerk called the roll: Mr. Edwards, yes; Mr. Greenwood, yes; Mr. Martin, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion was carried 7-0.

RECORD OF PROCEEDINGS
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Mr. Edwards recused himself from voting and any discussion on **Resolutions 2016-B and 2016 C.**

Mr. Martin read **Resolution No. 2016-B.** A resolution designating a Public Depositor (KeyBank National Association) of Active and Interim Deposits of the City of Bellbrook.

Mr. Martin made a motion to adopt Resolution No. 2016-B. Mrs. Middlestetter seconded the motion. The Clerk called the roll: Mr. Martin, yes; Mrs. Middlestetter yes; Mr. Greenwood, yes; Mrs. Seger-Lawson, yes; Mr. Schweller yes; Mayor Baird, yes. The motion was carried 6-0.

Mrs. Seger-Lawson read **Resolution No. 2016-C.** A resolution designating a Public Depositor (Huntington National Bank) of Active and Interim Deposits of the City of Bellbrook. This resolution and Resolution 2016 B will replace similar agreements that expire at the end of January.

Mrs. Seger-Lawson made a motion to adopt Resolution 2016-C. Mr. Martin seconded the motion. The Clerk called the roll: Mrs. Seger-Lawson, yes; Mr. Martin, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion was carried 6-0.

CITY MANAGER REPORT

Mr. Schlagheck gave Council some updates on future meetings. At the January 25th meeting, waste collection, property tax rates, zoning and property maintenance statics will be reviewed. At the first meeting in February, water will be reviewed. There will be discussions to see if there should be any rate increases. Also at the meeting, the Police Department will present their annual report. The Fire Department will present their annual report at the second meeting in February.

Mr. Schlagheck also reported that the Bicentennial Committee will be meeting next Monday night. He has seen a mockup of a street banner that will be displayed downtown. This will be discussed at the next Bicentennial meeting. Mr. Schlagheck also reported that there is a full time Fire Fighter position open. It will be listed on the City's website soon.

COMMITTEE REPORTS

Service: No Report

Safety: No Report.

Finance/Audit: Mr. Schweller said that Mr. Schlagheck sent out a Financial Update for year ended 2015. He said that revenues were up over 2014 and expenses were less than planned. He said the City is in good shape to wrap up 2015 and begin 2016.

Community Affairs: Mrs. Middlestetter read the various Board members that are being re-appointed:

Historical Museum Board of Trustees

Donna Gibson –January 1, 2016-December 31, 2019

Janis Stratis-January 1, 2016-December 31, 2019

There is currently one vacancy on this Board

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Board of Zoning Appeals

Sharon Schroder-February 1, 2016-January 31, 2021

Planning Board

David Van Veldhuizen-January 1, 2016-December 31, 2020

Village Review Board

Scott Carlson-February 1, 2016-January 31, 2019

There are two openings on this Board. One member needs to be a resident of the Old Village.

Mrs. Middlestetter made a motion to re-appoint the Board members. It was seconded by Mr. Martin. The Clerk called the roll. Mrs. Middlestetter, yes; Mr. Martin, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mrs. Seger-Lawson, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion carried 7-0.

NEW BUSINESS

Mr. Schweller made a motion to approve an annual salary increase for the City Manager/Finance Director of three and a half percent and a bonus of six percent based on his annual salary, back dated to January 1, 2016, or nearest pay date. 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. Martin, yes; Mrs. Middlestetter, yes; Mayor Baird, yes. The motion was carried 7-0.

OPEN DISCUSISON

Both Mr. Edwards and Mr. Greenwood thanked the residents for volunteering for the various boards.

Mr. Martin reminded residents to not park on the street in order for the snow plows to clear the streets.

Noah Stoddard, Jace Okolowitz and Takumi Ford, are Boy Scouts from Troop 524. They attended the Council meeting in order to earn their Communications Merit Badge. The Mayor presented them with a pin of the City.

ADJOURN

Being no further business to come before this regular session of the Bellbrook City Council, Mayor Baird declared the meeting adjourned at 7:29 pm.

Robert L. Baird, Mayor

Jami L. Kinion, Clerk of Council

RECORD OF ORDINANCES

Ordinance No. 2016-1

February 8, 2016

City of Bellbrook

Ordinance No. 2016-1

An Ordinance Amending Certain Sections of the City of Bellbrook Zoning Code.

WHEREAS, the City of Bellbrook Zoning staff routinely identifies sections of the Zoning Code that should be clarified, updated and/or completely changed; and

WHEREAS, the City staff recommended a series of such amendments to the Bellbrook Planning Board which then conducted a public hearing on those amendments on January 13, 2016; and

WHEREAS, the Bellbrook Planning Board unanimously approved the amendments 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 amendments to the Bellbrook Zoning Code be approved with deletions shown by brackets and strikethrough and additions shown by italics and underlined:

Article 3 Construction of Language and Definitions

3.02 Definitions

Block: Is [~~the property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, un-subdivided acreage, river or live stream or between any of the foregoing and any other barrier to the continuity of development, or corporate lines of the municipality.~~] *a parcel of land bound on all sides by a street or streets.*

Article 14 Bellbrook Village Plan

Guidelines for the Old Village Bellbrook, Ohio

4.1 Demolition (paragraph 3)

If the Village Review Board determines that there are feasible and prudent alternatives to demolition, it will so inform the applicant and will afford the applicant a period of 180 days to file a written response. Upon receiving that response the Village Review Board shall reconsider the matter based upon the entire record then on file. If the Village Review Board makes a final determination that there are *no* feasible and prudent alternatives to demolition, then it will inquire into any new use to which the applicant may propose to put the property following demolition. If the Village Review Board determines that the objectives of Article 14 of the Zoning Code would be served best by a conversion of the land to the proposed use, then it may approve demolition,

RECORD OF ORDINANCES

Ordinance No. 2016-1

February 8, 2016

subject to the posting of a bond in such amount as the Village Review Board deems adequate for insuring that the conversion will occur.

Article 17 Planned Development

17.05 PD-1 Planned Residential Development

(8) Height:

The height of any residential structure within a Planned Development shall not exceed thirty-~~five~~ [(30)] (35) feet or 2 ½ stories. However, the Planning Board may grant an exception if it is demonstrated that additional height can be achieved with concurrent expansion of suitable open space to protect adjacent structures from adverse reduction of light and air.

Article 18 General Provisions

18.12 Exceptions to Height Limitations:

- (3) [~~Radio towers for licensed amateur radio stations which exceed the allowable height of structures in the residentially zoned districts shall be limited in height from their base to the distance from the base to the nearest property line.~~] Except as otherwise provided herein, an amateur radio station antenna shall be erected at heights and dimensions to accommodate such service communications. Required permits must constitute the minimum practicable regulation necessary to accomplish the city's legislative authority purposes.

18.13 Temporary Uses

(4) [~~Gatherings under canvas or in open:~~

(a) ~~Religious services, shows, meetings, exhibitions, bazaars, carnivals or circuses except that if located within four hundred (400) feet of any residential area, no permit will be issued unless there is first filed with the Enforcing Officer the written consent of the owners of sixty percent (60%) of all residentially used property within four hundred (400) feet from the place of such meeting.~~

(b) Temporary tents for special events are permitted in residential districts for a maximum of one week per event. A zoning permit is required for [all] temporary tents measuring 400 square feet or larger. [~~and is considered an "other" permit for zoning fee purposes.~~]

18.16 Off Street Parking Regulations

(1) General Provisions

(j) Pavement

(1) All parking lots or parking spaces shall be surfaced with a hard, [~~or semi-hard~~] dust-free surface in conformance to the standards of the Bellbrook Service

RECORD OF ORDINANCES

Ordinance No. 2016-1

February 8, 2016

Department. For zoning purposes, compacted gravel is not considered a dust-free surface;

- (2) The parking of vehicles on grass or other areas not designated for parking shall be prohibited.

18.18 [~~Minimum Floor Elevation~~] Reserved

~~[In any zone, no structure intended or used for residential purposes or human occupancy may hereafter be constructed or moved to a site unless the minimum floor elevation is not less than two (2) feet above the base flood elevation level as indicated on the Flood Insurance Rate Map.]~~

Article 19 Enforcement and Penalties

19.12 Penalties

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 [~~shall constitute a minor misdemeanor~~] may be enforced either through:

- 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 reasonable time frame required to correct the violation.

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.

RECORD OF ORDINANCES

Ordinance No. 2016-1

February 8, 2016

Those who erect signs contrary to the provision of this ordinance 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 ~~[that maximum shall be punishable by fines of not more than twenty-five dollars (\$25) per offense.]~~ 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. ~~[Each day of continuation of any violation under this ordinance shall be a separate 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 _____, 2016.

Robert L. Baird, Mayor

Jami L. Kinion, Clerk of Council

APPROVED AS TO FORM:

Patricia N. Campbell, Municipal Attorney

RECORD OF RESOLUTIONS

Resolution No. 2016-D

January 25, 2016

City of Bellbrook

Resolution No. 2016-D

A Resolution Directing the Greene County Auditor to Enter the Delinquent Cost of Weed and Grass Mowing on the Tax Duplicate for the Properties Attached Hereto.

WHEREAS, the City of Bellbrook, following all applicable procedures contained in the Bellbrook Municipal Code, caused overgrown grass and weeds to be cut on properties located in the City of Bellbrook; and

WHEREAS, Bellbrook Municipal Code Section 678.03 (b) authorizes the delinquent cost of such action to be certified to the Greene County Auditor to be entered upon the tax duplicate, and

WHEREAS, the collection of such delinquent costs are in the best interest of the City and its citizens.

Now, Therefore, the City of Bellbrook Hereby Resolves:

Section 1. That the costs that have been incurred for the mowing of grass and weeds that have not been paid by the property owners is \$831.25.

Section 2. That the costs incurred shall be entered on the tax duplicate for the properties attached hereto.

Section 3. That this resolution shall take effect and be in force forthwith.

Robert L. Baird, Mayor

Jami L. Kinion, Clerk of Council

City of Bellbrook
2016 Unpaid Mowing Assessment

Invoice #	Parcel ID	Property Owner	Property Address	Lot #	Assessment Amount
1	L35000200070007800	Fabian, Wanda L.	2220 Vemco Dr.	16	\$ 193.75
2	L35000200050002000	Micklem, Norman H.	99 S. Main St.	20	\$ 175.00
3	L35000100020010200	Elizabeth Melton Trustee	60 S. West St.	16	\$ 175.00
4	L35000100110000700	Peck, Diane	1643 N. Belleview Dr.	597	\$ 287.50
					\$ 831.25

RECORD OF RESOLUTIONS

Resolution No. 2016-E

January 25, 2016

City of Bellbrook

Resolution No. 2016-E

A Resolution Directing the Greene County Auditor to Enter the Delinquent Cost of Unpaid Water Bills on the Tax Duplicate for the Properties Attached Hereto.

WHEREAS, the City of Bellbrook, following all applicable procedures contained in the Bellbrook Municipal Code, caused overgrown grass and weeds to be cut on properties located in the City of Bellbrook; and

WHEREAS, Bellbrook Municipal Code Section 1042.05 authorizes unpaid water bills to be certified to the Greene County Auditor to be entered upon the tax duplicate, and

WHEREAS, the collection of such delinquent costs are in the best interest of the City and its citizens.

Now, Therefore, the City of Bellbrook Hereby Resolves:

Section 1. That the costs that have been incurred for providing water that have not been paid by the property owners is \$295.73.

Section 2. That the costs incurred shall be entered on the tax duplicate for the properties attached hereto.

Section 3. That this resolution shall take effect and be in force forthwith.

Robert L. Baird, Mayor

Jami L. Kinion, Clerk of Council

City of Bellbrook
2016 Unpaid Water Bill Assessment

Account #	Parcel ID	Property Owner	Property Address	Lot #	Assessment Amount
404-02000-04	L35000200050001600	Pence Family Limited Partnership	99 S. East St.	16	\$ 130.38
404-02145-06	L35000200050005500	Keene, Michael C. & Darlene	12 E. Maple St.	26	\$ 165.35
					\$ 295.73

RECORD OF RESOLUTIONS

Resolution No. 2016-F

January 25, 2016

City of Bellbrook

Resolution No. 2016-F

A Resolution Directing the Greene County Auditor to Enter the Delinquent Cost of Minor Nuisance Abatement on the Tax Duplicate for the Properties Attached Hereto.

WHEREAS, the City of Bellbrook, following all applicable procedures contained in the Bellbrook Municipal Code, caused overgrown grass and weeds to be cut on properties located in the City of Bellbrook; and

WHEREAS, Bellbrook Municipal Code Section 1450.12(d) authorizes the delinquent cost of such action to be certified to the Greene County Auditor to be entered upon the tax duplicate, and

WHEREAS, the collection of such delinquent costs are in the best interest of the City and its citizens.

Now, Therefore, the City of Bellbrook Hereby Resolves:

Section 1. That the costs that have been incurred for the abating of minor nuisances that have not been paid by the property owners is \$762.50.

Section 2. That the costs incurred shall be entered on the tax duplicate for the properties attached hereto.

Section 3. That this resolution shall take effect and be in force forthwith.

Robert L. Baird, Mayor

Jami L. Kinion, Clerk of Council

City of Bellbrook
2016 Unpaid Nuisance Assessment

Account #	Parcel ID	Property Owner	Property Address	Lot #	Assessment Amount
1	L35000200070003100	Thompson, Eric G.	2317 Barnett Dr.	31	\$ 762.50
					\$ 762.50