



## **BELLBROOK CITY COUNCIL AGENDA**

**March 28, 2016**

**6:30 Work Session**-Review Pending Matters

**7:00 pm—Regular Meeting**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Formal Approval of the City Council Work Session and Regular Meeting Minutes **of March 14, 2016**
5. Mayor's Announcements/Oath of Office
  - James Day-Village Review Board, term expires 1-31-19
  - Jacqueline Greenwood-Village Review Board, term expires 1-31-18
6. Public Hearing of Ordinance
  - Ordinance 2016-3** An Ordinance Amending Certain Sections of the City of Bellbrook Zoning Code to include Regulations for Transient Rentals. (Edwards)
7. Introduction of Ordinance
  - Ordinance 2016-4** An Ordinance Authorizing the City Manager to Enter into an Agreement for Electric Generation Supply with a Competitive Retail Electric Service Provider. (Schweller)
8. City Manager's Report
9. Committee Reports
  - A. Service
  - B. Safety
  - C. Finance/Audit
  - D. Community Affairs.
10. Old Business
11. New Business:
  - Motion to authorize bidding for the Upper Bellbrook Water Tower Repainting Project.
12. Open Discussion
13. Adjourn

**City of Bellbrook**

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**RECORD OF PROCEEDINGS**  
Minutes of Bellbrook City Council Meeting  
Work Session  
March 14, 2016

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

**ABSENT:** Mr. Forrest Greenwood

This is a summary of the City Council work session held on March 14, 2016 at 6:30 pm. Mr. Schlagheck wanted to discuss various items on the agenda with Council including the introduction of Ordinance 2016-3 and the Sugar Maple Festival.

Being no further business the work session ended at 6:56 pm.

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Robert L. Baird, Mayor

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Jami L. Kinion, Clerk of Council



# RECORD OF PROCEEDINGS

Minutes of Bellbrook City Council Meeting

March 14, 2016

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

**ABSENT:** Mr. Forrest Greenwood

This is a summary of the City Council meeting held on Monday, March 14, 2016. Mayor Baird called the meeting to order at 7:00 pm and the Clerk called the roll.

Mr. Greenwood was absent. **Mr. Martin moved to excuse Mr. Greenwood.**

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

After polling members of City Council, as there were no corrections or additions to the **regular meeting minutes of February 22, 2016**, Mayor Baird declared the minutes approved as written.

## **MAYOR'S ANNOUNCEMENTS/SPECIAL GUEST**

The Mayor presented Certificates of Appreciation to Volunteer Bellbrook Participants: the Bellbrook Community Church and Mr. Louis Schatzberg. Mr. Schatzberg has helped elderly neighbors with snow removal and various other property maintenance issues. The Bellbrook Community Church has helped elderly residents with property maintenance projects. They have hosted Community forums presented by the Bellbrook Police Department too. The Mayor thanked the Volunteers for serving the residents of Bellbrook.

Jonathon Jaquish spoke about his proposed Eagle Scout project for the Bicentennial. The project is an entry sign which will be located at Petrikis Park. The sign will be 3 foot tall wood numbers showing "1816-2016". In the center will be a 4 foot tall metal sign with the Bicentennial Logo. The City will purchase the center piece. Jonathon plans to have the sign up the second week in April until the end of October. Mr. Schlagheck asked Council to waive the sign ordinance for this sign. Mrs. Middlestetter **made a motion to waive the sign ordinance from April 1<sup>st</sup> to November 1<sup>st</sup>**. Mrs. Seger-Lawson seconded the motion. The Clerk called the roll: Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Mr. Edwards, yes; Mr. Martin, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion carried 6-0.

Next, it was discussed that for the first time alcohol will be served at the Sugar Maple Festival. Craft beer will be sold on Friday and Saturday night during the festival. The Festival needs to apply for a temporary liquor permit. The craft beer will be served from a tent near the Brookside Garage and

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customers will be permitted to have the beer on North Main Street between Franklin Street and Walnut Street. The Festival Committee will be responsible for maintaining the boundaries of the event. The permit application requires the signature of the property owner which is the City of Bellbrook. Prior to signing the application, Mr. Schlagheck wanted to review the proposal with Council to ensure their understanding of the event

## **PUBLIC HEARING OF ORDINANCE**

Mr. Martin read **Ordinance 2016-2** An Ordinance Amending Part Four-Traffic Code of the Bellbrook Municipal Code. After a thorough review, it was determined that many of the sections within the Traffic Code are exact duplicates of Ohio Revised Code sections. By using the Ohio Revised Code instead of the Bellbrook Municipal Code, the City avoids certain cost for prisoners. The City also receives less fine revenue, but all fine revenue is sent back to Xenia for court costs anyway. Being a public hearing, Mayor Baird opened up for public comments

**Mr. Dahling, 1839 Sugar Maple Place**, was asking about researching Bellbrook laws. He wanted to know how someone would know that this was turned over to the State. Mr. Schlagheck said there will be a link on our website that will go to the Ohio Revised Code.

Seeing no comments from the public the Mayor closed the public hearing and asked for a motion. **Mr. Martin made a motion to Adopt Ordinance No. 2016-2**. Mr. Edwards seconded the motion. The Clerk called the roll. Mr. Martin, yes; Mr. Edwards, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion carried 6-0.

## **INTRODUCTION OF ORDINANCE**

Mr. Edwards read **Ordinance 2016-3**. An Ordinance Amending Certain Sections of the City of Bellbrook Zoning Code to include Regulations for Transient Rentals. This ordinance was drafted in response to a complaint received about a property in a residential area that was being rented out on Airbnb. It was rented out on a short term basis. This ordinance would restrict those rentals in one family, two family, multifamily and planned development areas. This Ordinance is set for public hearing for the March 28<sup>th</sup> Council meeting.

**Mr. Edwards made a motion to introduce Ordinance No. 2016-3**. Mr. Schweller seconded the motion. The Clerk called the roll: Mr. Edwards, yes; Mr. Schweller, yes; Mr. Martin, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Mayor Baird, yes. The motion was carried 6-0.

## **RESOLUTIONS**

Mrs. Seger-Lawson read **Resolution No. 2016-L** A Resolution Authorizing the City Manager to enter into a contract with National Gunite for the Marcia Drive Culvert Rehabilitation Project. This project was included in the 2016 budget. This culvert goes under Marcia Drive between Ridgetop Drive and Beechwood Drive. National Gunite will put a two inch concrete lining around the entire inside of the existing culvert. This will keep the old corrugated pipe from collapsing in the future.

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

## CITY MANAGER REPORT

Mr. Schlagheck said he is in the process of getting the banners in place before the Sugar Maple Festival. DP&L must inspect each pole for a fee of \$95 per pole. He is hopeful that a few banners can be in place before the Sugar Maple Festival.

## COMMITTEE REPORTS

**Service:** No Report.

**Safety:** No Report

**Finance/Audit:** No Report.

**Community Affairs:** The Community Affairs Committee met and interviewed residents on February 25. The Committee made the following recommendations: James Day and Jacqueline Greenwood both to serve on the Village Review Board.

**Mrs. Middlestetter made a motion to appoint Mr. James Day (term expires 1-31-19) and Mrs. Jacqueline Greenwood (term expires 1-31-18) to the Village Review Board.** Mr. Edwards seconded the motion. The Clerk called the roll. Mrs. Middlestetter, yes; Mr. Edwards, yes; Mr. Martin, yes; Mrs. Seger-Lawson, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion carried 6-0. Mrs. Middlestetter said there is still one opening on the Historical Museum Board.

## NEW BUSINESS

The Plantation Trail Culvert Replacement Project is included in the 2016 budget. Ohio Public Works Commission grant funding for the project will be available July 1, 2016. The engineer has been developing the project specifications with the intent of soliciting bids to be awarded when the grant funding is available. To accomplish this, a motion from Council authorizing the bidding of the Plantation Trail Culvert Replacement Project is required.

**Mr. Martin made a motion authorizing the bidding of the Plantation Trail Culvert Replacement Project.** Mrs. Seger-Lawson seconded the motion. The Clerk called the roll: Mr. Martin, yes; Mrs. Seger-Lawson, yes; Mr. Edwards, yes; Mrs. Middlestetter, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion was carried 6-0.

## OPEN DISCUSSION

Mr. Edwards was asking if the City will need to purchase more road salt in April. Mr. Schlagheck said they are working through the contract now.

Mr. Martin and Mrs. Middlestetter wanted to thank the Volunteers.

Mrs. Seger-Lawson wanted to encourage residents to come to the Public Hearing for Ordinance 2016-3, Transient Rentals on March 28<sup>th</sup>.

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Mr. Schweller thanked the City Manager and City Staff for the grant funding for the Plantation Trail Culvert Replacement Project. Since Bellbrook does not have an income tax, funding is limited Mayor Baird encouraged everyone to get out and vote tomorrow, March 15<sup>th</sup>.

**Mr. Dahling, 1839 Sugar Maple Place**- He is at Council tonight with his neighbors from Highview Terrace. The street he lives on is scheduled to be connected to another street; he and his neighbors are against it. He had two requests: first, they would like to be notified about any discussions about this and second, they want Council to help them with an alternative such as a gate or a cul-de-sac. Mr. Schlagheck said first the City needs to receive the revised preliminary plan from the developer, Mr. Clemens and his engineer. Mr. Clemens has proposed abandoning River Birch Court in the revised preliminary plan. Mr. Schlagheck said if you eliminate River Birch Court and don't have a way to connect to the Landings at Sugarcreek, it becomes a public safety issue. School buses, fire trucks, emergency vehicles and trash trucks could not get through. The City's intent has always been for the road to go through to the adjoining development. Mr. Schlagheck explained the process for approval of the revised preliminary plan. Once the revised preliminary plan is received, it will go to the Planning Board and they will hold a public hearing. Mr. Schlagheck said he would make sure that everyone in Highview Terrace receives notice of the public hearing. Once the Planning Board public hearing has been completed, the revised preliminary plan will have a public hearing with City Council.

**James Spangler, 1842 Sugar Maple Place**-He wanted to address the emergency access. He said a simple solution would be a break a way gate. The residents in the community along with Mr. Clemens would be fine to finance that. Mr. Spangler asked if the main concern was safety access. Mr. Schlagheck said yes.

**Brad Leonard, 1765 Sugar Maple Place**-He loves where he lives and wants to keep what they have nice and safe. He is looking forward to the future meetings.

**Beverly Hyman, 1775 Sugar Maple Place**- Not only is it going to be dangerous for their street but the entire new development.

**Kevin Carter, 1829 Sugar Maple Place**-Bellbrook appealed to him because of the school district, beautiful community and safety of where they live. He just wanted it documented that he was here and cares. He appreciates Councils time and interest in what they have to say.

**Douglas Pund, 1867 Sugar Maple Place**-He is a builder and he is mostly concerned about the high school students driving through the community at 75 miles an hour. He is concerned about the business aspect too. He wants to make sure they are informed of any hearings. Mr. Schlagheck ensured him that they would be notified.

**Mark Alfes, 1782 Sugar Maple Place**-The people in his neighborhood have paid a lot of money for their homes. The new development homes are not in the same category. He too is concerned about safety. He said it is already a runaway. He said it would be better with a cul-de-sac or a break a way gate. He would like to see speed bumps there now due to the hill.

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**Douglas Pund, 1782 Sugar Maple Place**-He wanted to know what they would have to do to make Highview Terrace their own private community with private streets. Mr. Schlagheck said he would need to do some research.

## **ADJOURN**

Being no further business to come before this regular session of the Bellbrook City Council, Mayor Baird declared the meeting adjourned at 8:25 pm.

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Robert L. Baird, Mayor

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Jami L. Kinion, Clerk of Council



# RECORD OF ORDINANCES

Ordinance No. 2016-3

March 28, 2016

## City of Bellbrook

### Ordinance No. 2016-3

#### **An Ordinance Amending Certain Sections of the City of Bellbrook Zoning Code to include Regulations for Transient Rentals.**

WHEREAS, the City of Bellbrook has identified a need to regulate transient rentals in the City based on an immediate and direct threat to public safety; and

WHEREAS, the City of Bellbrook has determined the need to regulate transient rentals to protect property values and the character of the City's residential neighborhoods; and

WHEREAS, the City staff recommended amendments to the Bellbrook Zoning Code relating to transient rental regulations; and

WHEREAS, the Bellbrook Planning Board conducted a public hearing on those amendments to the Bellbrook Zoning 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

*Transient Occupancy: Means the right to use, occupy or possess, the use, occupancy or possession of the following: dwelling unit, dwelling, one family; dwelling, two family; or a dwelling, multiple family; or a portion of any of the aforementioned, for a period of 25 consecutive calendar days or less.*

*Transient Rental: Means the renting, letting, subletting, leasing or subleasing of a: dwelling unit; a dwelling, one family; dwelling, two family; or a dwelling, multiple family; or a portion of any thereof for "transient occupancy".*

# RECORD OF ORDINANCES

Ordinance No. 2016-3

March 28, 2016

## **Article 5 R-1AA, R-1A, R-1B One Family Residential Districts**

### 5.01 Intent

These districts are the most restrictive of the residential districts. The purpose and intent is to provide for an environment of predominantly low density single unit dwellings plus certain other facilities which serve the residents living in the district[-] and to regulate transient occupancy within the city to protect and preserve the permanency of residential neighborhoods, protect property values, and ensure the comfort and safety of the residents.

### 5.09 Transient Rental Regulations

No dwelling unit or dwelling, one family or a portion of any thereof in the R-1AA, R-1A, or R-1B districts shall be used as a transient rental.

## **Article 2 R-2 Two Family Residential District**

### 6.01 Intent

The purpose and intent of this district recognizes the existence of older residential areas of the municipality where larger houses have been or can be converted from single family to two family residences in order to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization. This district also allows the construction of new two family residences where slightly greater densities are permitted. This Article also regulates transient occupancy within this district and protects and preserves the permanency of residential neighborhoods, protects property values and ensures the comfort and safety of the residents.

### 6.09 Transient Rental Regulations

No dwelling unit or dwelling, two family or a portion of any thereof in the R-2 district shall be used as a transient rental.

## **Article 7 R-3 Multi-Family Residential District**

### 7.01 Intent

The purpose and intent of this district is to allow construction of apartment buildings [~~and related uses~~] and condominiums and to regulate transient occupancy within this district to protect and preserve the permanency of residential neighborhoods, protect property values and ensure the comfort and safety of the residents.

### 7.09 Transient Rental Regulations

No dwelling unit or dwelling, multi-family or a portion of any thereof in the R-3 district shall be used as a transient rental.

# RECORD OF ORDINANCES

Ordinance No. 2016-3

March 28, 2016

## **Article 17 Planned Development**

### 17.01 Purposes

(6) To regulate transient occupancy within the residential districts to protect and preserve the permanency of residential neighborhoods, protect property values, and to ensure the comfort and safety of the residents.

### 17.05 PD-1 Planned Residential Development

#### (14) Transient Rental Regulations

No dwelling unit or dwelling, one family, dwelling, two family or dwelling multi-family or a portion thereof in the PD-1 district shall be used as a transient rental.

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 ORDINANCES

Ordinance No. 2016-4

April 11, 2016

## City of Bellbrook

### Ordinance No. 2016-4

#### **An Ordinance Authorizing the City Manager to Enter into an Agreement for Electric Generation Supply with a Competitive Retail Electric Service Provider.**

WHEREAS, the City is one of 24 municipalities currently participating in the Miami Valley Communications Council (“MVCC”) electric generation supply agreement with DPL Energy Resources, Inc. (“DPLER”) for the provision of electric generation and transmission supply services through December 31, 2016 (collectively referred to as the “Participating Municipalities”); and

WHEREAS, in accordance with the Public Utilities Commission of Ohio rules and regulations, the Participating Municipalities have the opportunity to maximize savings on the generation and transmission portion of their electric service costs through the selection of a competitive retail electric service provider; and

WHEREAS, the Participating Municipalities desire to seek competitive pricing for a new electric generation and transmission supply service agreement (“Agreement”) for municipal accounts; and

WHEREAS, the Participating Municipalities desire to authorize MVCC and its Executive Director to act as procuring agents, along with any consultant utilized by MVCC (collectively, the “Procuring Agents”) to seek competitive pricing for electric generation and transmission supply services; and

WHEREAS, the Participating Municipalities desire to authorize their respective City Managers to enter into a new Agreement with the lowest and best competitive supplier after the Procuring Agents have identified and recommended such supplier; and

WHEREAS, the City is authorized as a charter municipality to exercise all powers of local self-government.

#### **Now, Therefore, the City of Bellbrook Hereby Ordains:**

Section 1. That MVCC and its Executive Director, along with any consultant utilized by MVCC, are hereby authorized to act as Procuring Agents to identify a competitive retail electric service provider for electric generation and transmission supply services. However, nothing in this Ordinance shall authorize such Procuring Agents to contractually bind the City to accept or enter into an Agreement with any such service provider, or to otherwise bind the City.

Section 2. That the City Manager is hereby authorized to execute an Agreement and any other necessary documents on behalf of the City for electric generation and transmission supply services with a competitive retail electric service provider.

Section 3. That it is hereby found and determined that all formal actions of this City Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and

# RECORD OF ORDINANCES

Ordinance No. 2016-4

April 11, 2016

that all deliberations of this Council and any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

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.

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Robert L. Baird, Mayor

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Jami L. Kinion, Clerk of Council

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