



## **BELLBROOK CITY COUNCIL AGENDA**

**May 23, 2016**

### **7:00 pm—Regular Meeting**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Formal Approval of the City Council Regular Meeting Minutes **of May 9, 2016**

5. Mayor's Announcements\Special Guest

Eagle Scout Certificate of Achievement-Trenton J. Nartker

Police Department Awards-Chief Doherty

2016 Sugar Maple Festival Recap

6. Resolutions

**Resolution 2016-P** A Resolution Authorizing the City Manager to Execute an Agreement to Participate in the ODOT Winter Contract for Road Salt. **(Greenwood)**

**Resolution 2016-Q** A Resolution Authorizing the City Manager to Execute an Amendment to the Full Service Street Lighting Agreement with Miami Valley Lighting, LLC.  
**(Middlestetter)**

**Resolution 2016-R** A Resolution Accepting the Bid Submitted by LC United for the 400,000 Gallon Spheroid Exterior Overcoat, Wet Interior Repaint, Dry Interior Partial Repaint and Miscellaneous Repairs Project.**(Seger-Lawson)**

**Resolution 2016-S** A Resolution Declaring Specific Equipment No Longer Needed By the City of Bellbrook as Surplus Property and Authorizing the City Manager to Dispose of Said Surplus Property. **(Martin)**

7. City Manager's Report
8. Committee Reports
  - A. Service
  - B. Safety
  - C. Finance/Audit
  - D. Community Affairs
9. Old Business

**City of Bellbrook**

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## Transient Rental Regulations

10. New Business
11. Open Discussion
12. Adjourn

**RECORD OF PROCEEDINGS**  
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**PRESENT:** Mr. Nick Edwards  
Mr. Forrest Greenwood  
Mrs. Elaine Middlestetter  
Mrs. Dona Seger-Lawson  
Deputy Mayor Mike Schweller  
Mayor Bob Baird

**ABSENT:** Mr. Jon Martin

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

This is a summary of the City Council meeting held on Monday, May 9, 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 April 25, 2016**, Mayor Baird declared the minutes approved as written.

**MAYOR'S ANNOUNCEMENTS/SPECIAL GUEST**

**PUBLIC HEARING OF ORDINANCE**

Mr. Edwards read **Ordinance 2016-5**. An Ordinance Approving a Major Change to the Preliminary Plan for the Highview Terrace Subdivision. The revised Preliminary Plan was approved by the Planning Board at their April 12<sup>th</sup> meeting with three conditions.

Mr. Schlagheck started by providing a history of the Highview Terrace Development. In 2005 the original Preliminary Plan was approved by the City of Bellbrook. The original bridge was intended to be further south on Little Sugarcreek Road than where it is actually located currently. In 2006 the developer, Clemens Development, came back to the City after it was determined that it was not feasible to build a bridge at that location. The developer came back with the entrance and bridge on Terrace Creek Road as it is today. At the time, this land was in Sugarcreek Township. This land was later annexed into the City of Bellbrook. The entire sub division is now in the City of Bellbrook. Currently, a portion of Sugar Maple Place and a stub street for River Birch Court have been constructed. The original intent was to bring the cul-de-sac on Sugar Maple Place down behind Dot's and bring Willowbrook Drive along the eastern side of the property to connect to the future development in Sugarcreek Township. In April 2016 the revised Preliminary Plan came before the Planning Board. Mr. Schlagheck shared the plan on the screen. This is the first official update to the Preliminary Plan since 2006. This revised Preliminary Plan depicts the existing development as it stands today. Section One, formerly in Sugarcreek Township, is now incorporated into the Preliminary Plan. Lot consolidation and lot line changes have also occurred in Section Two. The proposed Section Three will reduce the length of Sugar Maple Place and change the connection of Willowbrook Drive to the Landings of Sugarcreek. The revised Preliminary Plan approved by the Planning Board in April showed a temporary cul-de-sac at the end of Willowbrook Drive with a

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connection to the future development of the Landings at Sugarcreek. It was noted that there has been a lot of discussion about this connection at previous meetings.

Planning Board approved the revised Preliminary Plan with three conditions. The first two conditions were related to public safety emergency access. Mr. Schlagheck said the primary issues he thinks that need to be addressed are:

The type of access to be provided at the end of Willowbrook Drive.

The pedestrian access at the end of Sugar Maple Place to allow the residents to access downtown Bellbrook.

The abandonment of River Birch Court which is being abandoned because it is too steep.

Mr. Schlagheck said that he has some staff recommended conditions to be considered. There were three conditions placed on by the Planning Board. Council has the authority to place whatever conditions they want. Council has the authority to approve, deny or approve with conditions.

Mrs. Seger-Lawson asked about the walking path. She previously served on the Planning Board. She was questioning if the proposed path was wide enough. Mr. Schlagheck stated there will be two walking paths. Mr. Clemens has provided a pedestrian access path between lots 51 and 74 which will connect Sugar Maple Place to downtown Bellbrook. The second path will exist on the parkland that will be dedicated to the City. It will run along the Little Sugar Creek from downtown Bellbrook to the southern end of Magee Park. Mr. Schlagheck said that the City will have to come up with the funding for a bridge to cross the creek to Magee Park.

Mr. Schweller said that the elimination of River Birch Court makes sense. He wanted to know if the City Staff concurred with that. Mr. Schlagheck said yes because the reality is that the topography does not work there. Mr. Schweller also questioned if Willowbrook Drive was always on the preliminary plan as a through street. Mr. Schlagheck said yes. Mr. Schweller asked Mr. Schlagheck what has been the City's experience historically with gates. Mr. Schlagheck said the biggest one is on Sable Ridge Drive that connects with Kensington Drive. There are a couple of issues with the gate. The gate is owned and maintained by the City. If someone comes up to the gate and pushes and pulls on the gate, it quits working and needs to be repaired. It is an automatic opening gate. The City Departments do have openers for the gate. Mr. Schlagheck said that the difference with this gate is it connects one street of the City to another street in the City. If there would be a gate at the end of Willowbrook Drive., it connects to Sugarcreek Township; therefore the City does not control both sides of the gate. Mr. Schlagheck said he has been in contact with the developer of the Landings of Sugarcreek about the possible gate at the end of Willowbrook Drive.

Mr. Schweller asked Mr. Schlagheck how the snow plow trucks have done going down Sugar Maple Place. Mr. Schlagheck said that there have been no issues. Mr. Schlagheck did say that a condition that the City asked for is no parking signs on Sugar Maple Place from the south side of lot # 52 to the end of the cul-de-sac.

Mr. Edwards asked Mr. Schlagheck who would plow the snow on the stub street in front of the gate. Mr. Schlagheck said that another recommended condition of the gate is that it would be owned and maintained by the Home Owners Association.

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Mr. Greenwood asked Mr. Schlagheck a question about the rendering that Mr. Clemens presented to Council at the last meeting. He said it showed grass as part of the pavement; he wanted to know if that was still going to happen. Mr. Schlagheck said that after speaking with Mr. Clemens, the intent of the developer is to have a roadway base with an inch of topsoil. After Mr. Schlagheck spoke with the City's Contract Engineer and Dale Wilson, the City's preference is to have grass pavers. Mr. Schlagheck said that this is also another recommended condition from staff. Top soil would dry and rut up so the grass pavers would work well. The grass pavers provide a roadway base that will support fire and service vehicles.

Mayor Baird asked Mr. Schlagheck who has seen the recommended conditions. Mr. Schlagheck said the City Staff and the City's Contract Engineer developed the recommended conditions. Mr. Schlagheck said he provided them to Council with their agenda packet. Mr. Schlagheck proceeded to read the staff recommended conditions. **A copy of the staff recommended conditions is attached to these minutes.** Mr. Schlagheck reiterated that these are conditions that Staff has developed. Council can choose to adopt these or develop their own conditions. Mayor Baird asked if these need to be addressed tonight and Mr. Schlagheck said that if Council wants a condition associated with the Revised Preliminary Plan that this would be the only opportunity.

Seeing this is a public hearing, Mayor Baird opened up for public comment.

Mr. Clemens, Clemens Development, 6710 Little Sugarcreek Road-He said that he thinks the biggest concern with Council is for emergency access. He thinks the gate is a great compromise. It does provide access for the Police and Fire to get through. He wanted to know how many times that the Sable Ridge gate has been used for emergency purposes. Mr. Schlagheck said that the Service Department has had to use the gate. Mr. Clemens said they did request not to have to put the twelve inch water main line in because they are looping in at the Landings. He said there are things that he has to go along with just because the City says he has to. He also said that this has been a challenging plat. He said that now it is to the point that they will be able to develop it in a reasonable amount of time. Mr. Clemens said that he prefers to have the grass in the egress area. He said the grass will make it look more natural.

John Brumbaugh, Brumbaugh Engineering & Surveying, LLC, 1105 S. Main St, West Milton-He is the engineer for Clemens Development. Mr. Brumbaugh said he is confident in using the grass pavers. He also commented on the recommended condition of the City to require the connection of the water main to W. Franklin St. He said he feels there is adequate pressure in the subdivision. It would only get better once they connect into the Inverness plat. Mr. Brumbaugh lastly commented on the hard surface recommended condition for the pedestrian path. They would like to have a chip dust/gravel path just like what is used in the Metro Parks in the area. He thinks it would be a good fit for the Community.

Mr. Schweller asked Mr. Schlagheck about the recommended condition of looping the water main to W. Franklin St. He wanted to know if it was always part of a master plan to loop the water system to W. Franklin St. Mr. Schweller said he knows the City just completed looping the water system. Mr.

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Schlagheck said the City looped the water main at Main St. with a grant from OPWC last year. Mr. Schlagheck said the Highview Terrace loop to West Franklin Street was the connection the City had planned to use. He further said that anytime the water system can be looped, it is a benefit to the entire water system.

Mr. Bill Dahling, 1839 Sugar Maple Place-He presented Council with two letters from other residents in Highview Terrace that were not in attendance at the meeting. Mayor Baird read the first letter from Bev and Jeff Banister, 3770 Terrace Creek Way-They are in favor of the cul-de-sac with the breakaway gate. The second letter Mayor Baird read was from Timothy and Rebecca Tuttle, 1791 Sugar Maple Place-They disagree with the connection of their subdivision to the new one. They chose to build in this area because it was private and low traffic. It would also adversely affect the property values in the subdivision. Mr. Dahling thanked Mr. Schlagheck for getting the information packet to his office so he could distribute to the other residents. He said that in reading the information, he learned that you can follow all the rules and still be denied the right to develop because it is a privilege and not a right. He also said that with the new development, there would be many more cars driving through their subdivision. Mayor Baird asked Council where they stand on this. He said the elephant in the room is the cul-de-sac. He wanted to know if Council had any more questions for the Engineers or Mr. Schlagheck.

Mr. Schweller stated that he is not opposed to the gate. He wants to make sure the responsibility is clearly defined. He wanted to know if the Home Owners Association is in place right now and whether all the residents are bound to be a member of it. Mr. Schweller said that we need to make sure it is a viable entity. Mr. Schweller also said if this change is made just because there is fear of speeding down their street, he is not in favor of that. There are a number of streets in Bellbrook that are viewed as short cuts. Mr. Schweller said he does not want it to become an argument or set precedent down the road. There are other mechanisms to eliminate speeders. Mr. Schweller said we need to make sure we have a viable reason so we don't set a precedent down the road. He also said he thinks that the water line does need to be looped to W. Franklin St.

Mr. Edwards said he has concerns about the gate for maintenance and clearing. He was on the Planning Board when this original plan came in 2006. He said that the through street has always been on the plan. He does not want the City of Bellbrook to be known as a gated community. Mr. Edwards said we have a service to our residents to make the Community as passable and as accessible as possible.

Mayor Baird said that an issue he has is that the City went through this with the Vineyards many years ago so he thinks we have set precedent already.

Mr. Greenwood said the only problem he has with the gate is the emergency access. He would like to see the road go through.

Mr. Edwards asked if the City has any recourse down the road if the gate does not work. Mr. Schlagheck said the City could assess the property owners for the cost of the repairs.

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Mrs. Seger-Lawson said she does support a gate. She does want an emergency access.

Mr. Jim Obert, Vice President of Planning Zoning and Development of the Inverness Group, 4901 Hunt Rd., Suite 300, Cincinnati-They do not have an issue with the gate. They just want this coordinated well. They will need to modify their layout to make it look well planned. They are looking at a hiker/biker trail. They are a little apprehensive of what this might do to their Home Owners Association. It was not in their budget to do any snow removal etc. Mr. Obert said he is happy to work with Mr. Clemens, the City Staff as well as Sugarcreek Township to start to see how this can be reflected on their side to make sense.

James Spangler, 1842 Sugar Maple Place- He addressed the issue of the Home Owners Association concerning the payment of the gate and maintenance. He said that HOA could actually put a lien on a property. He said that everyone in Highview Terrace is on board with this. He also commented that he thinks gravel would work better on the pedestrian walk way.

Jasmine Murphy, currently 3659 Waynesville Rd, future address 3764 Grand Oak Trail- She wanted to be reassured that the permits will be issued because of previous issues that involved the Ohio Attorney General's Office. Mr. Schlagheck replied that permits are part of the process for the City. The erosion control measures have to be in place. Next Ms. Murphy wanted to know about the estate lots at Highview Terrace and what the requirements are. Mr. Schlagheck replied that the estate lots are lot numbers #73 and #74. The term estate lot is a developer term and does not have a specific meaning from the City's perspective. She also said that she thinks the pedestrian path should not be a paved surface.

Mr. Clemens, 6710 Little Sugarcreek Rd. - He wanted to address the EPA issues that Ms. Murphy mentioned. He said that all permits are currently in place. There was an issue with mud running into Highview Terrace. Clemens Development and another Developer were fined for erosion issues by the EPA.

Geoff Hyman, 1775 Sugar Maple Place-Mr. Hyman said he was the first resident in Highview Terrace. He knows all about the mud. He said that Mr. Clemens plowed the mud and it was not a matter of neglect but nature. He also mentioned the concern about the financial issue of the gate. He said the current HOA dues are \$350 per home. They will have about \$25,000 to \$30,000 annually coming in. If a homeowner does not pay the dues a lien will be put on the property.

Beverly Hyman 1775 Sugar Maple Place- She said she thinks the gate is advantageous for their development, the new development and the community in general.

Geoff Hyman, 1775 Sugar Maple Place-He referenced a spot on the map where there is a crest. If you hit the crest going 35-40 miles an hours that is all it could take. It is a narrow road too and there could be possible head on crashes.

Seeing no further comments from the public Mayor Baird closed the meeting for comment.

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**Mr. Edwards made a motion to adopt Ordinance 2016-5** with the amended staff recommended conditions. Mrs. Middlestetter seconded the motion. The Clerk called the roll: Mr. Edwards, yes; Mrs. Middlestetter, yes; Mr. Greenwood, yes; Mrs. Seger-Lawson, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion carried 6-0.

**RESOLUTIONS**

Mr. Schweller read **Resolution 2016-O**. A Resolution Authorizing the City Manager to Enter into a Contract with Accela, Inc. for the Acquisition of Finance and Utility Billing Software for the City of Bellbrook. Mr. Schlagheck said the City staff reviewed software from several vendors before recommending Accela. The new software will allow for the consolidation of two current software platforms (finance and utility billing) into a single solution. The Accela software is cloud based so it will eliminate some future hardware requirements. The Accela software also provides a customer interface for utility billing that will allow customers to view their account in real time. The initial contract price which includes software license, licensing, data conversion, implementation and training is \$49,368. The City currently pays \$14,189 annually for software maintenance. The cost for maintenance and support with Accela will be \$5,938. This will be a savings of \$8,000 per year for the City.

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

**CITY MANAGER REPORT**

Mr. Schlagheck reminded Council that there is a Joint Meeting with Sugarcreek Township next Monday, May 16<sup>th</sup> at 5:30. Mr. Schlagheck also shared with Council that several years ago, CGI Communications created a series of videos for the City's website at no cost. CGI is offering to update those videos in 2016, again at no cost. CGI earns their income by marketing their video services to local businesses. If there are no objections from Council, Mr. Schlagheck will contact CGI and schedule for the June timeframe when the City is looking its best. Lastly, Mr. Schlagheck spoke with Council about the proposed summer meeting schedule dates of June 27<sup>th</sup>, July 11<sup>th</sup> and August 8<sup>th</sup>. If anyone has any conflicts, please let Mr. Schlagheck know.

**COMMITTEE REPORTS**

**Service:** No Report

**Safety:** No Report

**Finance/Audit:** No Report

**Community Affairs:** Mrs. Middlestetter reminded residents to check the Bellbrook200.com website for the Bicentennial events.

**NEW BUSINESS**

**Mayor Baird made a motion to waive the sign ordinance for the Community Garage Sales, May 19<sup>th</sup>-21<sup>st</sup>**. Mr. Edwards seconded the motion. The Clerk called the roll: Mayor Baird, yes; Mr.



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Edwards, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Mr. Schweller, yes. The motion was carried 6-0.

**OPEN DISCUSSION**

Mayor Baird shared that he along with Mrs. Middlestetter attended the National Day of Prayer event. He said it was nice to see the faith based community come together.

**ADJOURN**

Being no further business to come before this regular session of the Bellbrook City Council, Mayor Baird declared the meeting adjourned at 8:50 pm.

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Robert L. Baird, Mayor

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Jami L. Kinion, Clerk of Council



## Ordinance 2016-5

### Highview Terrace – Major Change to the Preliminary Plan

***Planning Board Conditions from April 12, 2016 Public Hearing:***

1. To evaluate a reconfiguration of Lots #73 & #74 to support an emergency access easement;
2. To evaluate options for the cul-de-sac at Willowbrook Drive to allow for EMS ingress/egress only; and
3. That all engineering conditions shall meet the approval of IBI Group.

***Staff Recommended Conditions to City Council:***

1. Transfer parkland to City of Bellbrook no later than December 31, 2016.
2. Require connection of water main to W. Franklin Street to loop the public water system.
3. Provide pedestrian access from Sugar Maple Place to remaining portion of existing driveway. This pedestrian access is to be owned and maintained by the Home Owners Association.
4. The pedestrian access path will be located between lot #51 and lot #74. If the path needs to be relocated in the future, it will require Council approval. *Note: This is the path recommended by the developer.*
5. Ensure remaining portion of existing driveway is acceptable for pedestrian and public works vehicle access. Driveway is to be repaired/rehabbed to a smooth hard surface.
6. No parking signs on Sugar Maple Place from south side of lot #52 to end of cul-de-sac.
7. That all engineering conditions shall meet the approval of IBI Group.

The following conditions are relevant if Willowbrook Drive is **not** approved as a **through street**. The developer has proposed a gate beyond the cul-de-sac at the end of Willowbrook Drive for emergency access.

8. Specifications for a gated emergency access:
  - a. Gate constructed by the developer on private property
  - b. Gate and structure maintained by the Homeowners Association
  - c. Gate should be equipped with a Know Box to hold the key. Additional keys will be provided to the Bellbrook Police, Fire and Service Departments, as needed.
  - d. Gate opening width a minimum of 15' to accommodate fire and service vehicles.
9. Area on both sides of gate should be constructed using grass pavers with a roadway base to support fire and service vehicles. Minimum width for grass pavers in 15'. Access easement granted to the City for the width of the pavers.

10. Willowbrook Drive cul-de-sac considerations:
  - a. Varying from the revised preliminary plan approved by the Planning Board, the cul-de-sac will be shifted to the south to accommodate the the gate
  - b. Location of fire hydrant – no water services beyond the location of the last fire hydrant.
  - c. No parking signs on Willowbrook Drive from north side of Lot #66 to end of cul-de-sac.
11. Coordinate final design of the gate, sidewalks, water main and other features with the City of Bellbrook, the IBI Group (the City's contract engineer), the developer of the Landings at Sugarcreek and Sugarcreek Township.

# RECORD OF RESOLUTIONS

Resolution No. 2016-P

May 23, 2016

## City of Bellbrook

### Resolution No. 2016-P

#### **A Resolution Authorizing the City Manager to Execute an Agreement to Participate in the ODOT Winter Contract for Road Salt.**

WHEREAS, Section 240.03 of the Municipal Code allows the City to purchase goods and services through a cooperative arrangement with another governmental entity; and

WHEREAS, the Ohio Department of Transportation will solicit bids for the purchase of road salt, in accordance with Section 5513.01 (B) of the Ohio Revised Code; and

WHEREAS, the City of Bellbrook desires to participate in this bid for road salt.

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

Section 1. That the City Manager be authorized to execute the attached document for the purchase of 500 tons of road salt through the ODOT Winter Contract for Road Salt.

Section 2. That this resolution shall take effect and be in force forthwith.

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Robert L. Baird, Mayor

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Jami L. Kinion, Clerk of Council



**RESOLUTION AUTHORIZING PARTICIPATION  
IN THE ODOT WINTER CONTRACT (018-17) FOR ROAD SALT**

**WHEREAS**, the City of Bellbrook, Greene County (hereinafter referred to as the “Political Subdivision”) hereby submits this written agreement to participate in the Ohio Department of Transportation’s (ODOT) annual winter road salt bid (018-17) in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT winter road salt contract:

- a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the winter road salt contract and acknowledges that upon of award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The Political Subdivision hereby acknowledges that upon the Director of ODOT’s signing of the winter road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT winter road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision’s participation in the winter road salt contract; and
- d. The Political Subdivision hereby requests through this participation agreement a total of 500 tons of Sodium Chloride (Road Salt) of which the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and
- e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its above-requested salt quantities from its awarded salt supplier during the contract’s effective period of October 1, 2016 through March 31, 2017; and
- f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT winter salt contract; and
- g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Wednesday, June 1, 2016. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: [Contracts.Purchasing@dot.ohio.gov](mailto:Contracts.Purchasing@dot.ohio.gov) by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision’s participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision’s participation agreement and/or a Political Subdivision’s request to rescind its participation agreement.

**NOW, THEREFORE**, be it ordained by the following authorized person(s) that this participation agreement for the ODOT winter road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT winter salt contract:

\_\_\_\_\_ (Authorized Signature) \_\_\_\_\_ Approval Date  
\_\_\_\_\_ (Authorized Signature) \_\_\_\_\_ Approval Date  
\_\_\_\_\_ (Authorized Signature) \_\_\_\_\_ Approval Date  
\_\_\_\_\_ (Authorized Signature) \_\_\_\_\_ Approval Date  
\_\_\_\_\_ (Authorized Signature) \_\_\_\_\_ Approval Date





# RECORD OF RESOLUTIONS

Resolution No. 2016-Q

May 23, 2016

## City of Bellbrook

### Resolution No. 2016-Q

#### **A Resolution Authorizing the City Manager to Execute an Amendment to the Full Service Street Lighting Agreement with Miami Valley Lighting, LLC.**

WHEREAS, the City of Bellbrook executed a full service street lighting agreement with Miami Valley Lighting (MVLt) effective January 1, 2016; and

WHEREAS, this street lighting agreement contained terms for the conversion of high pressure sodium street lights to LED street lights; and

WHEREAS, the City of Bellbrook desires to convert all existing high pressure sodium street lights to LED street lights.

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

Section 1. That the City Manager be authorized to execute the attached Addendum Agreement to the Full Service Street Lighting Agreement with MVLt. This addendum authorizes the conversion of 51 high pressure sodium street lights to LED street lights.

Section 2. That this resolution shall take effect and be in force forthwith.

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Robert L. Baird, Mayor

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Jami L. Kinion, Clerk of Council



## **ADDENDUM AGREEMENT TO THE FULL SERVICE STREET LIGHTING AGREEMENT**

**This HPS TO LED Conversion Agreement** (“Conversion Agreement”) is entered into by and between the City of Bellbrook (the “City”) and **Miami Valley Lighting, LLC** (“MVLt”) effective \_\_\_\_\_.

### **Recitals**

**Whereas**, the City is interested in converting some or all of MVLt’s existing Eligible HPS Luminaires in the City to LED Luminaries and MVLt is willing to undertake such conversions; and

**Whereas**, the City and MVLt have negotiated and agreed to terms and conditions under which such conversions will occur;

**Now, therefore**, the City and MVLt desire to enter into an HPS to LED Conversion Agreement containing terms and conditions under which MVLt shall perform such conversions.

### **Agreement**

#### **I. Coordination with Full Service Street Lighting Agreement.**

The City and MVLt are parties to a Full Service Street Lighting Agreement (“Full Service Agreement”), dated effective January 1, 2016, and this Conversion Agreement is to be read in parallel with such Full Service Agreement. Nothing herein is intended to modify the terms and conditions of such Full Service Agreement. Provisions of the Full Service Agreement shall have the same force and effect in this Conversion Agreement including, as examples and not as a limitation, provisions relating to Definitions, Payment, Rights on Termination, Billing and Payment, Dispute Resolution, and all General and Miscellaneous provisions. Any provisions within this Conversion Agreement and the Full Service Agreement that may appear to be in conflict shall be interpreted to the extent reasonably possible to avoid a conflict.

This Conversion Agreement shall become effective as of execution and shall terminate on the same date that the Full Service Agreement terminates.

#### **II. Conversion Program Provisions.**

- (a) Eligible HPS Luminaires. The Conversion Agreement applies to the HPS cobra head Luminaires owned by MVLt and located within the City that are 5,800 lumen, 9,500 lumen, 16,000 lumen, 27,000 lumen luminaires, and one (1) 50,000 lumen HPS Luminaire. Together these are the “Eligible HPS Luminaires.”

- (b) Number of Eligible HPS Luminaires and Number Elected. The following table indicates the number of Eligible HPS Luminaires and the number of such Eligible HPS Luminaires that the City is electing to be converted.

cobra head HPS Luminaire Size	Number Eligible	Number Elected	Requested Timetable		
			Prior to 12/31/19	Between 1/1/20 and 12/31/22	After 12/31/2022 (no installation charge)
5,800 Lumen					
9,500 Lumen	24	24	24		
16,000 Lumen	9	9	9		
27,000 Lumen	17	17	17		
50,000 Lumen	1	1	1		

- (c) Replacement Wattage. Existing 5,800 lumen and 9,500 lumen HPS Luminaires will be replaced by 49 watt LED cobra head Luminaires. Existing 16,000 lumen HPS Luminaires will be replaced by 94 watt LED cobra head Luminaires. Existing 27,000 lumen HPS Luminaires and 50,000 lumen HPS Luminaire will be replaced by 215 watt LED cobra head Luminaires. (LED wattages are approximate.)
- (d) Timetable for Conversions. Unless the “After 12/31/2022 Option” is selected, all conversions will be completed on or before December 31, 2022. Attachment 1 sets forth a non-binding, aspirational timetable that establishes goals year by year in order to complete the conversion process by that time.
- (e) Location of Luminaires to be Converted and High-Priority Conversions. Attachment 2 shall identify the locations of those Eligible HPS Luminaires for which the City would place the highest priority for conversions. MVLt, in good faith, shall make such conversions a priority over other conversions, but the priority list shall not be treated as if it were a binding schedule for conversions. If the number elected in the Table above is less than the number eligible, Attachment 2 shall also separately list the location of all the Luminaires that are to be converted, and those Eligible HPS Luminaries that are not listed will not be converted and will not be part of this Conversion Agreement.
- (f) Installation Charge. As set forth in the Full Service Agreement.

[Signatures on next page]

**IN WITNESS WHEREOF**, the parties have set their hands on the dates written under the signature.

**CITY OF BELLBROOK**

**Miami Valley Lighting, LLC**

By: \_\_\_\_\_  
Name Printed: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: Law Director  
Date: \_\_\_\_\_

# ATTACHMENT 1

## YEAR-BY-YEAR GOALS FOR CONVERSIONS

Elected for Conversion	50	
Year	Conversion Goal for Year	Cum % Converted
2016	51	100%
2017		
2018		
2019		
2020		
2021		
2022*		

\* All conversions to be complete by the end of 2022, unless the City has selected the “After 12/30/22” option for some or all conversions.

## ATTACHMENT 2

Locations of

HIGH-PRIORITY CONVERSIONS

and

Location of Conversions if Not All Eligible HPS  
Luminaires Are To Be Converted

Identify any particular high-priority locations by GPS location or street where City is most interested in having the conversion process begin and completed

If Not All Eligible HPS Luminaires Are To Be Converted:

List by GPS location those HPS Luminaires that are to be converted:

or “Not Applicable”

1.





# RECORD OF RESOLUTIONS

Resolution No. 2016-R

May 23, 2016

## City of Bellbrook

### Resolution No. 2016-R

#### **A Resolution Accepting the Bid Submitted by LC United for the 400,000 Gallon Spheroid Exterior Overcoat, Wet Interior Repaint, Dry Interior Partial Repaint and Miscellaneous Repairs Project.**

WHEREAS, the City of Bellbrook advertised for bids for the 400,000 Gallon Spheroid Exterior Overcoat, Wet Interior Repaint, Dry Interior Partial Repaint and Miscellaneous Repairs Project according to specifications prepared by the City's engineer; and

WHEREAS, LC United Painting Company was the lowest and best bidder for the project.

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

Section 1. That the bid submitted by LC United Painting Company (Sterling Heights, Michigan) for the 400,000 Gallon Spheroid Exterior Overcoat, Wet Interior Repaint, Dry Interior Partial Repaint and Miscellaneous Repairs Project with a bid price of \$212,500 is hereby accepted.

Section 2. That the City Manager is hereby authorized to do all things necessary to execute a contract with LC United Painting Company as stated above.

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

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Robert L. Baird, Mayor

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Jami L. Kinion, Clerk of Council



# RECORD OF RESOLUTIONS

Resolution No. 2016-S

May 23, 2016

## City of Bellbrook

### Resolution No. 2016-S

#### **A Resolution Declaring Specific Equipment No Longer Needed By the City of Bellbrook as Surplus Property and Authorizing the City Manager to Dispose of Said Surplus Property.**

WHEREAS, the City of Bellbrook desires to maintain adequate equipment to be used by its personnel; and

WHEREAS, equipment no longer needed for use by City personnel may be declared as surplus property per Chapter 230 of the Bellbrook Municipal Code.

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

Section 1. That the following equipment is hereby declared as surplus property:

2011 Dodge Charger (VIN 2B3CL1CG3BH552384)

2011 Dodge Charger (VIN 2B3CL1CG1BH552383)

2004 Ford Taurus (VIN 1FAFP52UX4A202501)

2002 Chevrolet Van Express (VIN 1GBJG31RX21177168)

Section 2. That the City Manager is hereby authorized and directed to dispose of said property in accordance with Chapter 230 of the Bellbrook Municipal Code.

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

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Robert L. Baird, Mayor

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Jami L. Kinion, Clerk of Council