



## **BELLBROOK CITY COUNCIL AGENDA**

**April 11, 2016**

### **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 28, 2016**
5. Mayor's Announcements/Oath of Office  
Arthur Neff-Historical Museum Board of Trustees, term expires 12-31-19
6. Public Hearing 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.  
(Middlestetter)
7. Resolutions  
**Resolution 2016-M** A Resolution Authorizing the City Manager to Sign an Agreement with the Greene County Engineer's Office for the Collective Paving Program for 2016  
(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
12. Open Discussion
13. Adjourn

#### **City of Bellbrook**

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Bellbrook, Ohio 45305

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**RECORD OF PROCEEDINGS**  
Minutes of Bellbrook City Council Meeting  
Work Session  
March 28, 2016

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

**ABSENT:** Mrs. Dona Seger-Lawson

This is a summary of the City Council work session held on March 28, 2016 at 6:30 pm. Mr. Schlagheck wanted to discuss various items on the agenda with Council including prosecution services with the City of Xenia, Ordinance 2016-3 and the Subdivision Regulations.

Being no further business the work session ended at 6:55 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 28, 2016

**PRESENT:** Mr. Nick Edwards  
Mr. Forrest Greenwood  
Mr. Jon Martin  
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, March 28, 2016. Mayor Baird called the meeting to order at 7:00 pm and the Clerk called the roll.

Mrs. Seger-Lawson was absent. **Mr. Edwards moved to excuse Mrs. Seger-Lawson.**

Mrs. Middlestetter seconded the motion. The Clerk called the roll: Mr. Edwards, yes; Mrs. Middlestetter, yes; Mr. Greenwood, yes; Mr. Martin 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 **work session and regular meeting minutes of March 14, 2016**, Mayor Baird declared the minutes approved as written.

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

The Mayor swore in James Day (term expires 1-31-19) and Jacqueline Greenwood (term expires 1-31-18) to serve on the Village Review Board.

The Mayor thanked them for serving on this board.

## **PUBLIC HEARING 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. The Planning Board recommended these amendments after they held a public hearing on January 13<sup>th</sup>. 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 eliminate transient rentals in residential zoning districts. The City has identified a need to regulate transient rentals in the City based on immediate and direct threat to public safety. This ordinance would also protect property values. Seeing this is a public hearing, Mayor Baird opened up for public comments.

**Jackie Greenwood, 42 South West St.**-She said that there will be ways to avoid this law if property owners desire.

**Jeremy Mudd, 2118 S Lakeman Dr.**-Mr. Mudd is the original complainant and lives next door to the house that is rented using Airbnb. It took them a while to figure out what was going on at the property. This has been going on since the end of last summer. He estimated that 35 different groups of guest have been at the house. The majority of the guests have been okay but other guests have not been. There was a large college fraternity party. During that weekend party, there was a lot of foul language, glass breaking and fights in the yard. Trash is also a big problem. The house does not

# RECORD OF PROCEEDINGS

Minutes of Bellbrook City Council Meeting

March 28, 2016

have a trash can large enough to accommodate all of the trash, so trash is all over the place. Mr. Mudd said the Airbnb house is also listed as non-smoking but some of the guests do smoke and several of them dispose of their cigarette butts in his yard. Mr. Mudd also said that they did try to contact the owner of the property but he was told to mind his own business. Mrs. Middlestetter asked how it would help this situation if this does pass tonight. Mr. Schlagheck said the property owner would be contacted and would be told that an ordinance was passed and transient rentals are not permitted in this residential district.

Seeing no further comments from the public the Mayor closed the public hearing and asked for a motion. **Mr. Martin made a motion to Adopt Ordinance No. 2016-3.** Mr. Edwards seconded the motion. The Clerk called the roll. Mr. Martin, no; Mr. Edwards, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mr. Schweller, yes; Mayor Baird, no. The motion carried 4-2.

Mayor Baird recused himself from voting and any discussion on **Ordinance 2016-4**

## INTRODUCTION OF ORDINANCE

Mrs. Middlestetter read **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. The City has been part of a group of municipalities that have jointly purchased electric supply since 2011. This ordinance authorizes the City Manager to execute a new agreement when it is finalized. This ordinance is set for public hearing on April 11<sup>th</sup>.

**Mrs. Middlestetter made a motion to introduce Ordinance No. 2016-4.** Mr. Martin seconded the motion. The Clerk called the roll: Mrs. Middlestetter, yes; Mr. Martin, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Deputy Mayor Schweller, yes. The motion was carried 5-0.

## CITY MANAGER REPORT

Mr. Schlagheck talked with Council about taglines. He had the designer place a couple of the taglines that Council had chosen into the logo design. Mr. Schlagheck said that if we chose to go with taglines, not every vehicle or sign would have the tagline. Mr. Schlagheck said that the primary place would be on entry signs into the City. Council did agree they do want a tagline. They chose to go with "Small Town Friendly". Next, Mr. Schlagheck shared with Council that the Planning Board has scheduled a public hearing for the revised preliminary plans for High View Terrace. The meeting will be held on April 12 at 6:00 pm in the Council Chambers. He said the all of the residents of High View Terrace will get notice of this hearing. Also, Sugarcreek Township has requested a joint meeting. The date is Monday, May 16<sup>th</sup> at 5:30 pm. Lastly, Mr. Schlagheck told Council that the Marcia Drive Culvert Project was done. The contractor stated they had an opening on their schedule. They did eliminate the \$1,500 mobilization cost since we permitted them to do the project on short notice.

## COMMITTEE REPORTS

**Service:** No Report.

**Safety:** No Report

**Finance/Audit:** No Report.

# RECORD OF PROCEEDINGS

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**Community Affairs:** The Community Affairs Committee met and interviewed a resident on March 28. The Committee made the recommendation to appoint Mr. Arthur Neff to serve on the Historical Museum Board of Trustees.

**Mrs. Middlestetter made a motion to appoint Mr. Arthur Neff (term expires 12-31-19) to the Historical Museum Board of Trustees.** Mr. Edwards seconded the motion. The Clerk called the roll. Mrs. Middlestetter, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mr. Martin, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion carried 6-0.

## **NEW BUSINESS**

The Upper Bellbrook Water Tower Repainting Project is included in the 2016 budget. The engineering firm has completed the project specifications and is ready to publish for competitive bids. To accomplish this, a motion from Council authorizing the bidding of the Upper Bellbrook Water Tower Repainting Project is required.

**Mr. Schweller made a motion To Authorizing bidding for the Upper Bellbrook Water Tower Repainting Project.** Mr. Martin seconded the motion. The Clerk called the roll: Mr. Schweller, yes; Mr. Martin, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mayor Baird, yes. The motion was carried 6-0.

## **OPEN DISCUSSION**

Mr. Edwards was asking about the media article regarding the man hunt for the individual that was breaking into cars in the Locus Bend area. He wanted to know if the person was ever apprehended. Mr. Schlagheck said they did not apprehend the individual. He was on a bicycle which was abandoned. They did retrieve the stolen property and it was returned to the owners. The vehicles that were broken into were unlocked vehicles.

Mr. Schweller thanked the Citizens that have filled the City boards. All City Boards are now full.

## **ADJOURN**

Being no further business to come before this regular session of the Bellbrook City Council, Mayor Baird declared the meeting adjourned at 8:05 pm.

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Robert L. Baird, Mayor

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Jami L. Kinion, Clerk of Council





# RECORD OF ORDINANCES

Ordinance No. 2016-4

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

# RECORD OF RESOLUTIONS

Resolution No. 2016-M

April 11, 2016

## City of Bellbrook

### Resolution No. 2016-M

#### **A Resolution Authorizing the City Manager to Sign an Agreement with the Greene County Engineer's Office for the Collective Paving Program for 2016.**

WHEREAS, the City of Bellbrook desires to participate with the Greene County Engineer in the competitive bid contract for the Collective Paving Program for 2016 as bid by the Greene County Engineer.

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

Section 1. That the City Manager is hereby authorized to sign the attached agreement with the Greene County Engineer's office.

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

**AGREEMENT BETWEEN THE GREENE COUNTY ENGINEER  
AND  
THE CITY OF BELLBROOK**

The Greene County Engineer and the City of Bellbrook (hereinafter referred to as the Engineer and the City, respectively), agree to the following:

**WHEREAS**, the City desires to participate with the Engineer in the competitive bid contracts for the **Collective Paving 2016 and Center Line/Edge Line (County doing work for 2016)** as bid by the Greene County Engineer.

**WHEREAS**, all work within the City's jurisdiction, shall be inspected by and all questions decided which may arise as to quality and acceptability of materials furnished, work performed, the rate of progress; the interpretation of the specifications, by the City and the acceptable fulfillment of the contract on the part of the Contractor.

**WHEREAS**, the Contractor will invoice the City directly for the actual quantities of work performed, all line item extras, and/or negotiated extra work.

**WHEREAS**, the Engineer shall withhold all retainage for the total **Collective Paving for 2016** bidding contract from the County's share of the work and the Engineer will insure that the work has been performed in accordance with the Village's instructions prior to releasing the retainage. **The Engineer will invoice the Village for the Center Line/Edge Line (County doing work) for 2016.** The Engineer will insure the work has been performed in accordance with the Village's instructions.

**THEREFORE**, the acceptance of this agreement is indicated by the signatures below

**GREENE COUNTY ENGINEER:**

Witnessed by: \_\_\_\_\_

\_\_\_\_\_  
Robert N. Geyer, P.E., P.S.

**CITY OF BELLBROOK BY:**

By Resolution No: \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

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Approved as to form by:



Prosecuting Attorney's Office  
Counsel for County Engineer