

RECORD OF PROCEEDINGS
Minutes of Bellbrook City Council Meeting
May 9, 2016

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 12th 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 16th 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 27th, July 11th and August 8th. 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 19th-21st. 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.

Robert L. Baird, Mayor

Jami L. Kinion, Clerk of Council