



# CITY OF BELLBROOK

FOUNDED 1816

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## BELLBROOK CITY COUNCIL AGENDA

April 27, 2015

6:00 pm—**Work Session**—To discuss the proposal for rebranding of the City of Bellbrook and other items.

### 7:00 pm—Regular Meeting

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Formal Approval of the Regular City Council Meeting Minutes of **April 13, 2015**
5. Mayor's Announcements / Special Guests
  - **Boy Scout Jared Jaquish**, Community Entry Sign Project
6. Public Hearing of Ordinances

**Ordinance No. 2015-3** Amending Chapter 1226, *Erosion Control, Sediment Abatement and Stormwater Management*, of the Bellbrook Municipal Code to ensure compliance with State and National Standards (**Schweller**)

**Ordinance No. 2015-4** Approve the re-zoning of 57, 65, 71 and 79 W Franklin Street from O-1 Central Business District to B-4 Central Business District (**Martin**)
7. City Manager's Report
8. Committee Reports
  - A. Service
  - B. Safety
  - C. Finance/Audit
  - D. Community Affairs
9. Old Business
10. New Business
11. Open Discussion
12. Adjourn



# RECORD OF PROCEEDINGS

Minutes of Bellbrook City Council Meeting

April 13, 2015

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

**ABSENT:** Deputy Mayor Mike Schweller

This is a summary of the City Council meeting held on Monday, April 13, 2015. Mayor Baird called the meeting to order at 7:00 pm and the Clerk called the roll.

**Mr. Martin made a motion to excuse Mr. Schweller.** Mr. Edwards seconded the motion. The Clerk called the roll: Mr. Martin, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; 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 March 23, 2015**, Mayor Baird declared the minutes approved as written.

## **SPECIAL GUESTS/MAYORS ANNOUNCEMENTS**

Mayor Baird read a **Proclamation declaring May Motorcycle Awareness Month** at the request of Abate of Ohio, Inc.

## **INTRODUCTION OF ORDINANCES**

Mrs. Seger-Lawson read **Ordinance No. 2015-3** Amending Chapter 1226, *Erosion Control, Sediment Abatement and Stormwater Management*, of the Bellbrook Municipal Code to ensure compliance with State and National Standards.

This Chapter must be updated often to comply with the State and National standards. The last modification was done in November 2013. A public hearing will be held on April 27<sup>th</sup>.

**Mrs. Seger-Lawson made a motion to introduce Ordinance No. 2015-3.** Mrs. Middlestetter seconded the motion. The Clerk called the roll: Mrs. Seger-Lawson, yes; Mrs. Middlestetter, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mr. Martin, yes; Mayor Baird, yes. The motion was carried 6-0.

Mrs. Middlestetter read **Ordinance No. 2015-4** approving the re-zoning of 57, 65, 71, and 79 W Franklin Street from O-1, Office Building District to B-4, Central Business District.

This request for rezoning has been through the Planning Board and they have recommended the rezoning for approval. Mr. Schlagheck shared the zoning map of downtown and these four lots are the

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only lots in downtown still zoned O-1. This change will make the zoning more consistent downtown. A public hearing on the rezone will be held April 27<sup>th</sup>.

**Mrs. Middlestetter made a motion to introduce Ordinance No. 2015-4.** Mr. Martin seconded the motion. The Clerk called the roll: Mrs. Middlestetter, yes; Mr. Martin, yes; Mr. Greenwood, yes; Mr. Edwards, yes; Mrs. Seger-Lawson, yes; Mayor Baird, yes. The motion was carried 6-0.

## **RESOLUTIONS**

Mr. Greenwood read **Resolution No. 2015-K** authorizing the City Manager to sign an agreement with the Greene County Engineer's Office for the Collective Paving Program for 2015.

The City budgeted \$150,000 for repaving in 2015. The bid came back at \$142,000 of which \$11,000 will be reimbursed by the County for their section of Washington Mill.

**Mr. Greenwood made a motion to adopt Resolution No. 2015-K.** Mrs. Seger-Lawson seconded the motion. The Clerk called the roll: Mr. Greenwood, yes; Mrs. Seger-Lawson, yes; Mr. Edwards, yes; Mr. Martin, yes; Mrs. Middlestetter, yes; Mayor Baird, yes. The motion was carried 6-0.

Mrs. Middlestetter read **Resolution No. 2015-L** authorizing the City Manager to execute a Water Service Agreement with the Greene County Board of Commissioners.

Council has discussed this new agreement for several months and a new agreement has been reached. The City will pay the County \$1,300 for any tap-in that occurs in the area the County previously serviced now serviced by the City.

**Mrs. Middlestetter made a motion to adopt Resolution No. 2015-L.** Mr. Martin seconded the motion. The Clerk called the roll: Mrs. Middlestetter, yes; Mr. Martin, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mrs. Seger-Lawson, yes; Mayor Baird, yes. The motion was carried 6-0.

Mr. Edwards read **Resolution No. 2015-M** 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.

The City will be selling the 2007 Crown Victoria that was used by the Chief of Police. The car will be sold on govdeals.com.

**Mr. Edwards made a motion to adopt Resolution No. 2015-M.** Mrs. Seger-Lawson seconded the motion. The Clerk called the roll: Mr. Edwards, yes; Mrs. Seger-Lawson, yes; Mr. Greenwood, yes; Mr. Martin, yes; Mrs. Middlestetter, yes; Mayor Baird, yes. The motion was carried 6-0.

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Mr. Martin read **Resolution No. 2015-N** accepting the bid submitted by GM Pipeline Inc., for the North Main Street Water Main Improvements Project and to authorize the City Manager to enter into a contract in connection therewith.

The City received four bids, and the GM Pipeline bid of \$504,000 was the lowest and best bid. Because the City will be resurfacing the entire area of North Main Street and adding to the water main project, the project was increased approximately \$70,000. The City is meeting with the contractor on Thursday and will know more regarding the plans after that.

**Mr. Martin made a motion to adopt Resolution No. 2015-N.** Mrs. Middlestetter seconded the motion. The Clerk called the roll: Mr. Martin, yes; Mrs. Middlestetter, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mrs. Seger-Lawson, yes; Mayor Baird, yes. The motion was carried 6-0.

## **CITY MANAGER REPORT**

The Treasurer of the State of Ohio, Josh Mandel, has sent a letter regarding the new Ohio Online Checkbook and they are offering a similar service to local governments. Mr. Schlagheck asked council if they would like to participate. Mr. Martin said he would like to wait and see. The City has all minutes and resolutions with amounts posted on the website as it is now and this may just create more work for staff. Mrs. Middlestetter agreed that it isn't necessary right now.

Mr. Schlagheck reminded everyone the Sugar Maple Festival is April 24<sup>th</sup> to 26<sup>th</sup>. The schedule for the festival is in the City Newsletter.

Mr. Schlagheck shared a proposal for creating a new logo for the City and asked if Council would like a committee work on this project to get started, or if all of Council would like to be involved. Council agreed they would all like to be involved. A work session will be scheduled.

The summer meeting schedule has been proposed and Mr. Schlagheck asked Council to let him or the Clerk know if any of those dates do not work. Mayor Baird and Mrs. Seger-Lawson have a conflict with the August 10<sup>th</sup> meeting. That meeting will be changed to August 17<sup>th</sup>.

## **COMMITTEE REPORTS**

**Service:** No report.

**Safety:** No report.

**Finance/Audit:** No report.

**Community Affairs:** The Yellow Brick Road pavers are in at the Museum and a ribbon cutting ceremony will be held on Sunday, May 3<sup>rd</sup> at 2:00 pm.

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## OPEN DISCUSSION

**Mr. Edwards** spoke about the passing of Cindy Luse, a 37 year resident of Bellbrook who was just here in November to support the City's Proclamation for National Awareness for Pancreatic Cancer.

**Mrs. Middlestetter** encouraged everyone to come to the Sugar Maple Festival next weekend.

**Mrs. Seger-Lawson** added that this is the last year to purchase the Bellbrook commemorative plates.

**Mayor Baird** reminded everyone of the dog show on Friday night of the festival.

**Mr. Louie Schatzberg**, 4082 Ridgetop Drive, thanked the Mayor and Council for the Proclamation for Motorcycle Awareness Month. He encourages everyone rider to take a motorcycle safety course. He also reminded everyone that the best way to get to the Sugar Maple Festival is to park at the Intermediate School and take a shuttle to the park.

## ADJOURN

Being no further business to come before this regular session of the Bellbrook City Council, Mayor Baird declared the meeting adjourned at 7:53 pm.

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Robert L. Baird, Mayor

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Carrie C. Smith, Clerk of Council

# RECORD OF ORDINANCES

Ordinance No. 2015-4

April 27, 2015

## CITY OF BELLBROOK, OHIO

### ORDINANCE NO. 2015-4

#### **AN ORDINANCE TO APPROVE THE RE-ZONING OF 57, 65, 71 & 79 W. FRANKLIN STREET FROM O-1, OFFICE BUILDING DISTRICT TO B-4, CENTRAL BUSINESS DISTRICT.**

WHEREAS, the Bellbrook Planning Board conducted a public hearing on March 24, 2015 concerning the request to re-zone 57, 65, 71 & 79 W. Franklin Street from O-1, Office Building District to B-4, Central Business District; and

WHEREAS, the re-zoning will make the zoning of these four properties consistent with other area properties; and

WHEREAS, the Planning Board voted 5-0 to recommend approval of the re-zoning request to City Council;

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY ORDAINS:

Section 1. That the re-zoning of 57, 65, 71 & 79 W. Franklin Street from O-1, Office Building District to B-4, Central Business District is hereby approved.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Robert L. Baird, Mayor

\_\_\_\_\_  
Carrie C. Smith, Clerk of Council

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





# RECORD OF ORDINANCES

Ordinance No. 2015-3

April 27, 2015

## CITY OF BELLBROOK, OHIO

### ORDINANCE NO. 2015-3

#### **AN ORDINANCE AMENDING CHAPTER 1226, “EROSION CONTROL, SEDIMENT ABATEMENT AND STORMWATER MANAGEMENT,” OF THE BELLBROOK MUNICIPAL CODE TO ENSURE COMPLIANCE WITH STATE AND NATIONAL STANDARDS.**

WHEREAS, the Bellbrook Municipal Code includes Chapter 1226, Erosion Control, Sediment Abatement and Stormwater Management establishing standards, principles, and procedures for the regulation of construction and development-related earth disturbing activities that cause or may cause adverse water resource impacts resulting from stormwater runoff and soil erosion; and

WHEREAS, Chapter 1226 has been reviewed by staff and amendments are needed to ensure compliance with State and National standards.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY ORDAINS:

Section 1. That the following amendments to Chapter 1226 of the Bellbrook Municipal Code be approved with deletions shown by brackets and strikethrough and additions shown by italics and underlined:

#### **§ 1226.03 “Illicit Discharge Detection and Elimination” is hereby amended as follows:**

(d) Procedure for complaints, *elimination and enforcement* ~~[regarding]~~ *of* illicit discharges.

(1) Complaints.

Existing procedures for all types of property complaints, including stormwater, are based on the City of Bellbrook ~~[Codified Ordinances,]~~ *Municipal Code* Chapter 1450, ~~[Existing Structures]~~ *Property Maintenance Code*. ~~[The Ordinance and Zoning Office procedures include mechanisms for logging of complaints by the public, inspections by City officials and/or its authorized agent(s), notification to responsible parties of suspected and/or actual violations, remediation requirements, enforcement of requirements and penalties, if remediation is not ultimately performed]~~

(A) Complaints of illicit discharges would be taken verbally by telephone or online via the city’s website, [www.cityofbellbrook.org](http://www.cityofbellbrook.org):

(B) Complaints are logged in and referred to the appropriate city department or regulatory agency; and

(C) Complaints are investigated in a timely manner based on the complaint’s severity by city officials, regulatory agency investigators or by the offender.

(2) Elimination.

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In the event that an illicit discharge is found, the procedure for elimination is as follows:

(A) Immediate dispatch of Service Department personnel to site;

(B) Isolation of discharge;

(C) Track discharge to source;

(D) Institute temporary measures to halt discharge;

(E) Investigation and/or testing by contractor as determined by circumstances in the field and per state requirements;

(F) Institute permanent measures to eliminate discharge;

(G) Final action, which could consist of storm sewer or outfall repair, as needed.

(3) Enforcement and Penalties.

(A) If the offender is known, contact is established verbally or in writing to advise them of the nature of the violation, alternatives for proper disposal. A copy of city ordinances is also provided;

(B) Routine monitoring of the site continues for a pre-determined time to ensure that no further dumping occurs; and

(C) In repeated cases of illicit discharges, please refer to Section 1226.08, Violations and Penalties, (b)(1).

**§ 1226.07 “Construction and Post Construction Requirements” is hereby amended as follows:**

**(d) Internal Inspections of Construction Sites**

(1) For sites under construction, all structural and erosion controls on the site shall be inspected by either the builder, developer or their authorized agent(s) or the City of Bellbrook or its authorized agent(s) at least once every seven (7) calendar days and within twenty-four (24) hours after any storm event greater than one half inch (0.50”) of rain per twenty-four (24) hour period. The site owner and/or applicant shall assign qualified inspection personnel experienced in the installation and maintenance of erosion and runoff controls to conduct these inspections to ensure that all stormwater control practices are functional, that all provisions of the SMP and this regulation are being met, and whether additional control measures are required;

(2) If the City of Bellbrook or its authorized agent(s) deems, via inspections, that stormwater control practices are not functional, the site owner may be required to install additional erosion and runoff controls and/or cease work until the stormwater control practices are functional and the city approves the modifications.

~~[(2) As a post construction measure, the site owner/developer shall maintain for three (3) years following the final stabilization of the site and final inspection conducted by a City official, or its authorized agent(s), a record summarizing inspections, names(s) and~~

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~~qualifications of personnel making the inspections, the date(s) of inspections, major observations relating to the implementation of the SMP and a certification as to whether the site is in compliance with the SMP and identify identification of any incidents of non-compliance. A copy of these records shall be provided to the City of Bellbrook on a quarterly basis.~~

- ~~(3) If the City of Bellbrook deems, via inspections, that all stormwater control practices are not functional, the site owner/developer may be required to install additional erosion and runoff controls, assign other inspection personnel and/or cease all other work until the City accepts the stormwater control practices.]~~

**(e) Post Construction Inspections and Ownership and Maintenance of Stormwater Structural Facilities**

- (1) The City of Bellbrook or its authorized agent(s) shall inform the site owner of their responsibility for the performance of post construction inspections of the stormwater facility and site until the site owner transfers ownership to a Home Owners Association, Condominium Association, individual property owner or other entity. In the event of a subdivision, each parcel sold shall require continued membership in the Homeowners Association or Condo Association until dissolved, at which time the individual property owner(s) shall be responsible for the ownership and maintenance of a stormwater management facility and site.
- (2) City officials shall provide the site owner with a Stormwater Facilities Operations and Maintenance Inspection Checklist which shall suffice as an inspection and maintenance agreement. Inspections shall occur monthly and/or after major storm events in excess of one half inch (0.50") of rain per 24 hour period and annually. The completed checklist shall document inspection results, including the dates of inspection(s), name and qualifications of the inspector and all monthly, emergency and annual maintenance actions taken as a result of such inspection(s). The results of the monthly inspection as noted on the checklist shall be provided to the City of Bellbrook Administrative Office within fifteen (15) days of the inspection. The annual inspection may be completed in any month of the year which will become the annual anniversary inspection month for the site. The results of the annual inspection as noted on the checklist shall be provided to the City of Bellbrook Administrative Office no later than sixty (60) days following the annual inspection date;
- (3) Maintenance actions or repairs undertaken on the structure itself shall be described on the checklist and completed within three (3) days from the date of inspection and repairs to the site shall be described on the checklist and completed within seven (7) days from the date of inspection. In the event of more complex periodic maintenance required for retention ponds and/or infiltration ponds, these alterations shall be designed by a professional engineer and submitted to the City of Bellbrook and/or its authorized agent(s) for review and approval to ensure that the volume and capacity of the structure remains intact;
- (4) Monthly and annual inspection(s) and maintenance of structural stormwater facilities

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shall be binding on all current and subsequent owners and tenants of the land served by the stormwater management facilities. The property owner shall grant permission to the City of Bellbrook and or its authorized agent(s), to enter the property in an emergency and to abate such emergency conditions as necessary to the proper functioning of the structure and to ensure the health, safety and welfare of the residents. There is no obligation to the City of Bellbrook to maintain the structural facility;

- (5) The owner/developer shall submit four (4) sets of as-built drawings of all stormwater management facilities and improvements to the City of Bellbrook. City officials shall be notified by the site owner no less than thirty (30) days in advance of a transfer of a structural facility and site and provide the name of the responsible party, the effective date and address of record of the new owner.

## ~~[e.] Ownership and Maintenance of Stormwater Management Facilities.~~

- ~~(1) In cases where stormwater management facilities are proposed on single private properties, the City of Bellbrook's authorized agent(s) shall approve an inspection and maintenance agreement. This agreement shall bind all current and subsequent owners and tenants of land served by the stormwater management facilities;~~
- ~~(2) In the case of proposed subdivisions, inspection and maintenance agreements shall be approved before the City of Bellbrook accepts the final plat of the proposed subdivision. This agreement shall bind all current and subsequent owners and tenants of land served by the stormwater facilities.~~
- ~~(3) All inspection and maintenance agreements shall do the following:~~
- ~~(A) Designate the party(ies) responsible for the maintenance of all stormwater management facilities and practices including mowing, landscaping, debris pick-up, and to ensure all inlet and outlet structures are free of obstructions and in good repair;~~
- ~~(i) During construction, this includes, but is not limited to, the developer, the builder and the contractor;~~
- ~~(ii) After construction, this includes, but is not limited to an individual property owner, a tenant, a home owner association, a condo association, etc. Unless otherwise approved by the City of Bellbrook, there shall be an entity of common ownership (e.g. Land/Homeowner's Association) within a proposed subdivision. Each parcel sold in the proposed subdivision shall require continued membership in the Land/Homeowners Association, until dissolved, at which time the individual property owners shall be held responsible for the ownership and maintenance of stormwater management facilities.~~
- ~~(B) Allow approved authorized alterations of all stormwater management facilities provided that such alterations are designed by a professional engineer and are submitted to the City of Bellbrook and/or its authorized agent(s) for review and approval.~~
- ~~(C) Provide adequate access to all stormwater management facilities for inspection by~~

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~~the City of Bellbrook's authorized agent(s) and corrective actions by the owner.~~

- ~~(4) All stormwater management facility easements shall be on the final plat, prior to approval by the City of Bellbrook, and a reference shall be made to the entity or individual(s) responsible for their maintenance;~~
- ~~(5) The owner/developer shall submit five (5) sets of as built drawings of all stormwater management facilities and improvements to the City of Bellbrook.]~~

**(f) Drainage Easements:**

~~[(f) The following conditions shall apply to all drainage easements:]~~

(1) All stormwater management facility easements shall be shown and noted on the final plat and a reference shall be made to the entity or individual(s) responsible for its maintenance;

~~[(1) Easements shall be approved by the City of Bellbrook and/or its authorized agent(s) prior to approval of the final plat and shall be recorded with said plat;]~~

(2) Unless otherwise required by the authorized agent(s) drainage easements shall have a width no less than the following:

- (A) A storm sewer easement minimum width shall be twelve (12) feet or as determined by the total of the outside diameter of the pipe, plus three (3) feet, plus one (1) foot of width for every one (1) foot of depth over the top of the pipe;
- (B) A conveyance channel easement minimum width shall be determined by the total top width of the channel plus five (5) feet on each side of the channel;
- (C) A detention, retention and/or infiltration basin easement minimum width shall be determined by the total top width of the structure, plus the width of any section of berm constructed in fill, plus ten (10) feet on each side of the structure; and
- (D) Where an underground type of detention, retention and/or infiltration system is used, the easement minimum width shall be determined by the total of the outside to outside width of the structure, plus three (3) feet, plus one (1) foot of width for every one (1) foot of depth from the bottom of the structure.

(3) Those lots that contain and/or are crossed by a drainage easement shall have the following language stated on the plat:

“Any lot area reserved for drainage purposes, shall at all times be kept free of any obstructions to the flow of water. No improvements, structures or modifications within the identified drainage easement area will be allowed without the approval of the City Engineer. Maintenance of the drainage easement area, stormwater management control facility(ies), site and drainage areas shall be the responsibility of the individual owner(s) of the lot or Home Owners or Condominium

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Association, whichever is applicable, on which these facilities and/or drainage areas are located.”

~~[(3) — Unless otherwise required by the authorized agent(s), stormwater management facilities, including basins, ponds or other retention/detention/infiltration practices, shall be on separate lots held and maintained by an entity of common ownership (Land/Homeowners Association) or on individually owned private property; and~~

~~(4) — Those lots that contain and/or are crossed by a drainage easement shall have the following restriction:~~

~~“Any lot area reserved for drainage purposes, shall at all times be kept free of any obstructions to the flow of water. No improvements, structures or modifications within the identified drainage easement area will be allowed without the approval of the City of Bellbrook’s Engineer. Maintenance of the drainage easement area, stormwater management control facility(ies), and drainage areas shall be the responsibility of the individual owner(s) of the lot or Land/Homeowners Association, whichever is applicable, on which these facilities and/or drainage areas are located.”]~~

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Robert L. Baird, Mayor

\_\_\_\_\_  
Carrie C. Smith, Clerk of Council

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