

BELLBROOK CITY COUNCIL AGENDA
October 14, 2019



City of Bellbrook
15 E. Franklin Street
Bellbrook, Ohio 45305

T (937) 848-4666
F (937) 848-5190

www.cityofbellbrook.org

7:00 pm-Regular Meeting

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Formal Approval of the Work Session and Regular Meeting Minutes of September 23, 2019
5. Mayor's Announcements/Special Guests
6. Public Hearing of Ordinances
 - Ordinance No. 2019-15 An Ordinance Amending Section 1450.15 – "Demolition" of the Codified Ordinances of the City of Bellbrook (**Greenwood**)
 - Ordinance No. 2019-16 An Ordinance Adding Section 412.07 – "Special Events" to the Codified Ordinances of the City of Bellbrook (**Middlestetter**)
 - Ordinance No. 2019-17 An Ordinance Adding Chapter 1011 – "Sidewalks" to the Codified Ordinances of the City of Bellbrook (**Van Veldhuizen**)
 - Ordinance No. 2019-18 An Ordinance Amending Section 1450.31 (c) "Sidewalks and Driveways" of the Property Maintenance Code (**Seeger-Lawson**)
7. Introduction of Ordinances
 - Ordinance No. 2019-19 An Ordinance Repealing Ordinance 2019-14 and Adopting new Ordinance 2019-19 to Adjust the City of Bellbrook Appropriations for 2019 (**Edwards**)
8. Resolutions
 - Resolution 2019-DD Combination of Lots 51 and 52 of Section 3 Phase 1 of Highview Terrace (**McGill**)
9. City Manager Report
10. Committee Reports
 - A. Service
 - B. Safety
 - C. Finance/Audit
 - D. Community Affairs – Planning Board Recommendation
11. Old Business
12. New Business
 - Greene County Master Trail Plan Support Request
13. Open Discussion

14. Adjourn

RECORD OF PROCEEDINGS
Minutes of Bellbrook City Council Meeting
Work Session
September 23, 2019

PRESENT: Mr. Nick Edwards
Mr. Forrest Greenwood
Mr. Darryl McGill
Mrs. Elaine Middlestetter
Mrs. Dona Seger-Lawson
Dr. David Van Veldhuizen
Mayor Mike Schweller

This is a summary of the City Council Work Session held on September 23, 2019 at 6:30 pm to discuss the Ohio Sunshine Laws.

Clerk of Council Pamela Timmons conducted an overview of Sunshine Law for the City Council. Mrs. Timmons shared a list of goals for the session. The areas covered included Ohio Sunshine Laws, Public Records, Records Retention, Records Requests, Open Meetings, Executive Sessions, Electronic Records, Websites, Email, and Social Media.

These sessions will be held yearly in January or February.

Being no further business, the Work Session ended at 6:56 pm.

Michael W. Schweller, Mayor

Pamela Timmons, Clerk of Council

RECORD OF PROCEEDINGS
Minutes of Bellbrook City Council Meeting
September 23, 2019

PRESENT: Nick Edwards
Forrest Greenwood
Darryl McGill
Elaine Middlestetter
Dona Seger-Lawson
David Van Veldhuizen, PhD
Mayor Mike Schweller

This is a summary of the City Council meeting held on Monday, September 23, 2019. Mayor Schweller called the meeting to order at 7:00 pm and the Clerk called the roll.

PLEDGE OF ALLEGIANCE

The Council and public were led in the pledge of allegiance to the flag by the members of Girl Scout Troup 33263.

ROLL CALL

Mr. Edwards, yes; Mr. Greenwood, yes; Mr. McGill, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Dr. David Van Veldhuizen, yes; Mayor Schweller, yes.

FORMAL APPROVAL OF MINUTES

After polling members of City Council, as there were no corrections or additions to the regular meeting minutes of September 9, 2019 Mayor Schweller declared the minutes approved as written.

MAYOR'S ANNOUNCEMENTS/SPECIAL GUEST

Mayor Schweller extended his and the City Council's prayers were with the construction worker who was injured earlier that day and his family.

The Mayor welcomed Girl Scout Troup 33263. He presented each member with a certificate of appreciation for their work on the Little Free Libraries in Bellbrook. The four Little Free Libraries were erected in the spring. The troupe was responsible for the book drive to fill the libraries and continue to monitor and replenish them as needed. The Mayor presented each troop member with a certificate of appreciation and a city pin.

Alaina Bayer	Rebecca Cyphers
Olivia Beale	Maddy Dann
Lauren Becker	Maddy Hileman
Emily Betts	Evie Olds
Kaylynn Chain	Avery Scott

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PUBLIC HEARING OF ORDINANCES

Mr. Edwards read **Ordinance 2019-14 An Ordinance Amending Ordinance 2018-6 to Adjust the City of Bellbrook Appropriations for 2019**. He added information from the attachment outlining the differences being adjusting.

City Manager Melissa Dodd explained that this ordinance makes adjustments for items that occurred with the changes in staff and items that were unknown at the time the budget was approved.

Mr. Edwards made a motion to adopt **Ordinance 2019-14 An Ordinance Amending Ordinance 2018-6 to Adjust the City of Bellbrook Appropriations for 2019**. Dr. Van Veldhuizen seconded the motion. The Clerk called the roll. Mr. Edwards, yes; Dr. Van Veldhuizen, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Mr. McGill, yes; Mayor Schweller, yes. The motion passed 7-0.

INTRODUCTION OF ORDINANCES

Mr. Greenwood read **Ordinance No. 2019-15 An Ordinance Amending Section 1450.15 – “Demolition” of the Codified Ordinances of the City of Bellbrook**. He stated that requirement to obtain a bond is new and a permit. Mr. Greenwood asked if this permit was in conjunction with the one that the county requires. The City Manager explained that this ordinance added specifics to the section concerning demolitions. She added that the county’s regulations were concerned with the proper removal of hazardous materials. The proposed city permit are concerned with having the site restored to a cleared park-like condition.

Mr. Edwards asked if we could include a way to know that the county’s permit has been completed in addition to the city’s. Mrs. Dodd agreed with adding this and a procedural guideline to bring before Council for the public hearing of this ordinance. This language was originally going to be included in the Zoning Code but was determined to be better placed within the Municipal Code.

Mr. Greenwood made a motion to introduce **Ordinance No. 2019-15 An Ordinance Amending Section 1450.15 – “Demolition” of the Codified Ordinances of the City of Bellbrook**. Mr. McGill seconded the motion. The Clerk called the roll. Mr. Greenwood, yes; Mr. McGill, yes; Mr. Edwards, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Mayor Schweller, yes. The motion passed 7-0.

Mrs. Middlestetter read **Ordinance No. 2019-16 An Ordinance Adding Section 412.07 – “Special Events” to the Codified Ordinances of the City of Bellbrook**. She explained that the ordinance defined what the city considers a Special Event and creates a permit to be completed by applicants.

The City Manager explained that this idea was discussed at the previous council meeting. Special events are defined as an event that affects streets, traffic flow, or sidewalks. Garage sales and the like would not qualify. The guidelines are being added so that the city and services are aware of any needs. A check box asking if alcohol will be served was added to the permit per Council’s request. The time

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limit of 14 days was added for the time required for a permit to be requested in advance of a special event.

Mrs. Middlestetter read **Ordinance No. 2019-16 An Ordinance Adding Section 412.07 – “Special Events” to the Codified Ordinances of the City of Bellbrook.** The motion was seconded by Mrs. Seger-Lawson. The Clerk called the roll. Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mr. McGill, yes; Mayor Schweller, yes. The motion passed 7-0.

Dr. Van Veldhuizen read **Ordinance No. 2019-17 An Ordinance Adding Chapter 1011 – “Sidewalks” to the Codified Ordinances of the City of Bellbrook.** Dr. Van Veldhuizen condensed the content of the ordinance to explain that the purpose is to define the standards for sidewalks.

Mrs. Dodd explained that there were no standards in the code. This allows property owners and city staff to determine if a sidewalk is in need of repair.

Dr. Van Veldhuizen made a motion to introduce **Ordinance No. 2019-17 An Ordinance Adding Chapter 1011 – “Sidewalks” to the Codified Ordinances of the City of Bellbrook.** Mrs. Middlestetter seconded the motion. The Clerk called the roll. Dr. Van Veldhuizen, yes; Mrs. Middlestetter, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mrs. Seger-Lawson, yes; Mr. McGill, yes; Mayor Schweller, yes. The motion passed 7-0.

Mrs. Seger-Lawson read **Ordinance No. 2019-18 An Ordinance Amending Section 1450.31 (c) “Sidewalks and Driveways” of the Property Maintenance Code.** This ordinance adds the sidewalk requirements from the previous ordinance to the Property Maintenance Code.

Mrs. Seger-Lawson made a motion to introduce **Ordinance No. 2019-18 An Ordinance Amending Section 1450.31 (c) “Sidewalks and Driveways” of the Property Maintenance Code.** The motion was seconded by Mrs. Middlestetter. The Clerk called the roll. Mrs. Seger-Lawson, yes; Mrs. Middlestetter, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Dr. Van Veldhuizen, yes; Mr. McGill, yes; Mayor Schweller, yes. The motion passed 7-0.

RESOLUTIONS - none

CITY MANAGER’S REPORT

City Manager Melissa Dodd explained that Mr. Clemens had rescinded the request he had brought before Council at the previous meeting to have a lot in Highview Terrace given back to Sugarcreek Township. The Mayor asked her to research what the steps would be to do something like this since it is normally cities that annex land from townships. Mr. Greenwood opined that this is not a precedence he wants to set.

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Mrs. Dodd reported that LJB Engineering has begun the work required for the city to be ready if money becomes available to complete the Franklin Street Bridge Path project with ODOT.

The City Manager met with Miami Valley Lighting to discuss decorative lighting for downtown on Franklin Street. Newer, more efficient decorative lighting is a goal for the downtown to replace the plain wood utility poles and aluminum lighting that is currently in place. This is not holiday lighting.

Mrs. Dodd was thrilled to announce that the inaugural running of the Brook Mills 10k and the Be Well Bellbrook event were a huge success. The debrief meeting with all of the department directors and the race coordinator will happen in a week or two. A follow up report will be made to Council after that meeting. Feedback was incredibly positive, especially from runners who loved the course. A plan will be made to make next year's event even better.

Mr. Greenwood added that it was a great event and hopes that the city makes plans and checklists to streamline the processes.

Mr. McGill recommended that the local HAM radio group, BARC, be involved.

COMMITTEE REPORTS

Service: Mrs. Seger-Lawson reminded Bellbrook citizens that the city does not do leaf pickup. Leaves can be mulched or put in yard bags for Rumpke to remove with garbage pickup.

Safety: none

Finance/Audit: Mr. Edwards reported that Budgeting work sessions are being scheduled for 10/28 for Service, 11/12 for Police and Fire Departments, and 11/25 will be the introduction of the budget ordinance. The public hearing of the budget ordinance will be on December 9.

Community Affairs: Mrs. Middlestetter relayed that the committee held interviews for the opening on the Planning Board and a candidate will be recommended at a future meeting. The Museum Trustee Board is accepting letters of interest for two openings. Please send letters to Dwight Bartlett at w.mitty@att.net.

OLD BUSINESS - none

NEW BUSINESS - none

OPEN DISCUSSION

Mr. Edwards and all of Council thanked the Girl Scouts for their service and for staying for the entire meeting.

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Mr. Greenwood thanked everyone who came out for the race and health fair and looks forward to the second annual event next year.

Mrs. Middlestetter added that she was a Girl Scout and she encouraged the scouts to keep up the good work.

Mrs. Seger-Lawson reminded citizens that the high school football game was on Thursday night this week.

Dr. Van Veldhuizen added that he has taken advantage of the little free libraries.

Mr. McGill echoed the thanks to the Girl Scouts.

Doug Johnson, 208 Pinegrove Drive, asked if the city has an ordinance like Oakwood does concerning bagging mattresses that are being thrown out due to bed bugs. Council answered that Rumpke has rules for the disposal of mattresses and since they are contracted to do the city's garbage disposal, the city does not need an ordinance. Mr. Johnson stated that the city could sell the bags like Centerville does. He asked if the city closed a deal for the city land that the person wanted to open a tubing business on. The City Manager answered there was no deal to sell city land. Mr. Johnson asked about Ordinance 2019-17 Sidewalks means that the downtown business owners will take care of their own sidewalks. The City Manager answered that sidewalk maintenance by the property owners has always been in the code.

Charles Skipper, 209 Sheffield Drive, asked if the sidewalk ordinance include regulations about trees planted near sidewalks since the roots eventually affect the sidewalks. Mr. Edwards said if the tree is in the right of way or within an easement, the owner might have to do something about them. Mr. McGill said there is a section that speaks to long-standing trees being preserved.

James Cyphers, told Council that the Planning Board recently heard a request he has made to remove a walking path that runs along his property in Highview Terrace. He hopes that Council will listen to the request with an open mind even though the request was denied by the Planning Board. He added that there is another walking path on the county plans. His concern has to do with liability.

EXECUTIVE SESSION –

Mr. McGill made a motion to exit Executive Session to discuss the discipline of a public employee at 7:58 PM. The motion was seconded by Dr. Van Veldhuizen. The Clerk called the roll. Mr. McGill, yes; Dr. Van Veldhuizen, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Mayor Schweller, yes. The motion passed 7-0.

Council came out of executive session at 8:50 PM.

ADJOURN

Being no further business to come before the Bellbrook City Council, Mayor Schweller declared the regular meeting adjourned at 8:52 PM.

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Michael W. Schweller, Mayor

Pamela Timmons, Clerk of Council

RECORD OF ORDINANCES

Ordinance No. 2019-15

October 14, 2019

City of Bellbrook

Ordinance No. 2019-15

An Ordinance Amending Section 1450.15 – “Demolition” of the Codified Ordinances of the City of Bellbrook.

WHEREAS, City Council has determined it would be in the best interest of the City of Bellbrook to amend Section 1450.15 “Demolition” of the Codified Ordinances of the City of Bellbrook to allow for regulations related to the demolition of structures; and

WHEREAS, the Bellbrook Planning Board conducted a public hearing on the amendment to the Zoning Code on August 22, 2019; and

WHEREAS, the Bellbrook Planning Board unanimously approved the amendment and recommended adoption by City Council.

Now, Therefore, The City of Bellbrook Hereby Ordains:

Section 1. That the following amendments to Section 1450.15 “Demolition” of the Codified Ordinances of the City of Bellbrook be approved with deletions shown by brackets and strikethrough and additions shown by italics and underlined:

Section 1450.15 Demolition

(a) Demolition Standards

- 1) *Purpose. It is the purpose of this section to ensure that demolition projects conducted in the City of Bellbrook are done in a safe and complete manner. The end product of demolition will be a "park-like" graded grass lot.*
- 2) *Applicability. These standards apply to all demolitions of residential, commercial and industrial principal and accessory structures. No structure, required to meet the standards of this Section, shall be demolished, in whole or in part, without the issuance of a Demolition Permit prior to commencing work.*
 - a. *Exceptions. Fences, storage sheds (no larger than 250 sq. ft.) and above ground swimming pools shall be exempt from Section 1450.15 in its entirety.*

(b) Ordered Demolition

- 1) *In general.* The Code Official may order the owner of premises upon which is located any structure or part thereof which, in the Code Official's judgment, is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and cannot reasonably be repaired, to raze and remove such structure or part thereof, or, if it can be made safe by repairs, to repair it and make it safe and sanitary or to raze it and remove it at the owner's

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option, or, where there has been a cessation of normal construction without completion of any structure for a period of more than two years, to raze and remove such structure or part thereof.

- 2) *Unreasonable repairs.* Whenever the Code Official determines that the cost of such repairs would exceed 100 percent of the current value of such structure, such repairs shall be presumed to be unreasonable and it shall be presumed, for the purpose of this section, that such structure is a public nuisance which may be ordered to be razed without option on the part of the owner to repair. Any such affected property owner may appeal the decision of the Code Official to the Bellbrook Property Review Commission.
- 3) *Order.* The order shall specify a time within which the owner shall comply therewith and specify repairs, if any. It shall be served on the owner of record, or upon an agent where an agent is in charge of the building, and upon the holder of any encumbrance of record, in the manner provided for service of a summons by a court of record. If the owner or a holder of an encumbrance of record cannot be found, the order may be served by posting it on the main entrance of the building and by publishing it once each week for three successive weeks in a newspaper authorized to provide service of publication.
- 4) *Restraining actions.* Anyone affected by any such order may, within 20 days after service of such order, apply to a court of record for an order restraining the Code Official from razing and removing such structure or parts thereof.
- 5) *Failure to comply.* Whenever the owner of a property fails to comply with a demolition order within the time prescribed, the Code Official may take action pursuant to the provisions of the Ohio Revised Code.
- 6) *Salvage materials from an Ordered Demolition.* When any structure has been ordered to be razed and removed, the governing body or other designated officer under such contract or arrangement aforesaid may sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such razing and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the use of the person who may be entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

(c) Demolition Process

- 1) Security Deposit. Applicants desiring a permit to demolish a structure shall deposit with the City a security deposit in the amount specified below.

<u>a. Residential Accessory Structure</u>	<u>\$5,000.00</u>
<u>b. Single-Family Dwelling</u>	<u>\$10,000.00</u>

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<u>c. Multi-Family Dwelling (3 units or less)</u>	<u>\$5,000.00 per unit</u>
<u>d. Nonresidential and Multi-Family Residential (4 units or more)</u>	<u>\$5.00 per square foot</u>

- 2) Bond in Lieu of Security Deposit. In lieu of the security deposit required, as set forth above, an owner or authorized representative may deposit with the City a performance bond or irrevocable letter of credit, in a sum equal to the security deposit that would be required pursuant to this Section, to ensure the completion of the demolition per the standards set forth herein.
- 3) Forfeiture of Bond or Security Deposit. In the event that demolition is not completed per the standards set forth herein, the required security deposit, bond, or irrevocable letter of credit shall be forfeited and paid over to the City. However, if the bond, security deposit, or letter of credit is not sufficient to cover all inspection or demolition costs, additional fees shall be required when needed, at the discretion of the City Manager. Such fees will be the responsibility of the property owner.

(d) Demolition Requirements:

- 1) Safety Precautions. The owner or authorized representative shall take appropriate safety precautions in order to prevent injury, property damage, and unauthorized entry. Reasonable control measures shall be in place at all times as necessary including, but not limited to, guard rails, barriers, warning lights, fences, and warning notices. Trenches, ditches or other excavations that are falling or tripping hazards shall not be left unattended unless protected by temporary fencing or other barrier designed to prevent unauthorized entry.
- 2) Dust and Debris Control. The demolition site shall at all times be maintained in a manner to reduce the impact of dust on adjacent properties and prevent debris from falling on adjacent properties or public rights of way.
- 3) Maintenance of the Right of Way. All streets, sidewalks and other areas in the public right-of-way shall be kept free of mud and/or debris as a result of demolition activities, including hauling and grading activities.
- 4) Utilities. All utilities, including sanitary sewer, water, gas, and electric shall be disconnected and capped per the appropriate utility's regulations. The Contractor is responsible for contacting the Ohio Utilities Protection Service (OUPS) to locate utilities and each individual utility to confirm the status of abandonment, retirement or capping of those utilities.
- 5) Foundations. All footers and foundation walls shall be removed in their entirety.

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Ordinance No. 2019-15

October 14, 2019

- 6) Concrete and Asphalt. All slabs, driveways, parking areas, driveway approaches and other areas of impervious surface shall be removed unless agreed upon in writing by the City prior to commencement of demolition. Public sidewalks shall remain. New curbing shall be installed in accordance with City specifications where driveway approaches were removed.
 - 7) Removal of Accessory Structures. When demolition includes demolition of the principal structure, all accessory structures, including but not limited to fences, decks, storage sheds, garages, and signs, shall be removed along with the principal structure unless agreed upon to remain prior to demolition.
 - 8) Landscaping. All landscaping shall be removed from the site unless agreed upon to remain prior to demolition by the City.
 - 9) Finish Grading. All excavations shall be leveled with approved clean fill and compacted substantially to prevent future settling. Finish grade shall be level, smooth and free of rocks and/or other debris.
 - 10) Grass. Grass shall be replaced on the lot either by seed or sod. Seed shall be reasonably free of weeds or coarse grass and shall be evenly sown onto the topsoil. Demolition shall not be considered completed until grass has been restored to the site.
- (e) Demolition Plan. A demolition plan is required upon submittal of a Demolition Permit Application. The plan shall include the following items:
- 1) Erosion Control Plan;
 - 2) Projected Start and End Date;
 - 3) Staging Requirements; and
 - 4) Site plan showing demolition, location of construction fences, barriers, railings, & walkways (can be copied from Greene County GIS).
 - 5) Copy of the approved Greene County Demolition Permit

Section 2. This ordinance shall take effect and be in force from and after the earliest period provided by law.

PASSED this ____ day of _____, 2019.

Michael W. Schweller, Mayor

Pamela Timmons, Clerk of Council

APPROVED AS TO FORM:
Stephen M. McHugh, Municipal Attorney



CITY OF BELLBROOK

DEMOLITION PERMIT

15 EAST FRANKLIN STREET, BELLBROOK, OHIO 45305

(937) 848-4666 WWW.CITYOFBELLBROOK.ORG

PROPERTY OWNER INFORMATION

APPLICATION DATE _____ PERMIT # _____

NAME OF PROPERTY OWNER _____ PHONE NUMBER _____

NAME OF APPLICANT _____ PHONE NUMBER _____

DEMOLITION INFORMATION

COMMERCIAL RESIDENTIAL (1, 2 OR 3 FAMILY)

SINGLE FAMILY APARTMENTS ___ # OF UNITS CONDO ___ # OF UNITS OTHER _____

IS THE STRUCTURE LOCATED IN THE OLD VILLAGE? Yes No

DESCRIBE PROJECT: _____

STRUCTURE INFORMATION

STRUCTURE SIZE _____ STRUCTURE HEIGHT _____ ASBESTOS: YES NO

STRUCTURE USE _____

CONTRACTOR:

NAME _____ PHONE: _____

COMPANY: _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

PROPERTY OWNER SIGNATURE _____ DATE ____/____/____

OFFICE USE ONLY		
PERMIT FEE	PAYMENT TYPE	REVIEW AUTHORITY
\$ _____	CASH <input type="checkbox"/> CHECK <input type="checkbox"/> # _____	ADMINISTRATIVE <input type="checkbox"/> VRB <input type="checkbox"/>
APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/>	STAFF SIGNATURE _____ DATE ____/____/____	

REQUIRED STEPS/DOCUMENTS

- SUBMITTAL OF APPROVED GREENE COUNTY DEMOLITION PERMIT
- COMPLETE APPLICATION AND SUBMIT FEE
- SUBMIT SECURITY DEPOSIT/BOND
- SUBMIT DEMOLITION PLAN FOR APPROVAL
 - EROSION CONTROL PLAN
 - PROJECT START AND END DATE
 - STAGING REQUIREMENTS
 - SITE PLAN SHOWING: STRUCTURE(S) TO BE DEMOLISHED, LOCATION OF CONSTRUCTION FENCES, BARRIERS, RAILINGS AND WALKWAYS (CAN BE COPIED FROM GREENE COUNTY GIS)
- PERMIT APPROVAL
- FINAL INSPECTION OF SITE
- RELEASE OF BOND/SECURITY DEPOSIT IF DEMOLITION MEETS MINIMUM REQUIREMENTS



To: City Council
From: Jeff Green, Planning and Zoning Assistant
Date: September 6, 2019
Subject: Staff Report for Changes to the Zoning Code

Summary of the Request

The request is to amend Article 18 of the Bellbrook Zoning Code. The request would add standards for the demolition of structures throughout the city. Currently, the city of Bellbrook has no standards for demolition in place.

Applicant Information

City Staff

Planning Board Recommendation

The Planning Board met on August 22, 2019 and recommended that the proposed demolition standards be adopted with the following addition: “storage sheds up to 250 sq. ft. be exempt from needing a permit.” The addition proposed by the Planning Board has been added to the standards presented before you.

Applicant’s Reason for the Request

This request is to codify standards for the demolition of structures located within the City of Bellbrook. These standards would principally apply to large structures such as a house or garage, with the intent being that demolition is completed fully and done so to an acceptable manner.

Currently, the City of Bellbrook does not have standards for the demolition of structures. The proposed regulations would seek to ensure all demolitions of major structures in the city fully completed with the land being left being seen as a “green field.” Please see the attached “Section 18.41” for the full proposal.

RECORD OF ORDINANCES

Ordinance No. 2019-16

October 14, 2019

City of Bellbrook

Ordinance No. 2019-16

An Ordinance Adding Section 412.07 – “Special Events” to the Codified Ordinances of Bellbrook, Ohio.

WHEREAS, the City of Bellbrook has conducted an assessment of its downtown area and within that assessment outlined the importance of special events as they can help to cultivate a stronger identity; and

WHEREAS, the City of Bellbrook wishes to collaborate in establishing more frequent special events in order to continue to build a stronger community; and

WHEREAS, the City of Bellbrook wishes to establish general procedures for the regulation of said current and future special events within the City.

Now, Therefore, The City of Bellbrook Hereby Ordains:

Section 1. That the following addition of Section 412.07 “Special Events” of the Codified Ordinances of the City of Bellbrook be approved:

SECTION 412.07 SPECIAL EVENTS

A. PURPOSE OF CHAPTER.

The purpose of this Chapter is to make provision for special events of a temporary nature which may be held on City-owned property within the Municipality regardless of the zoning provisions generally applicable to such property. Any such special events shall be subject to the requirements of this Chapter.

B. DEFINITIONS.

As used in this Chapter:

- 1) “Temporary Special Event” shall mean any outdoor activity or series of outdoor activities open to the public specific to an identifiable time and place that are most often produced in conjunction with community organizations. Temporary Special Events may be held on City-owned property; or events on private property open to the public regardless of zoning restrictions applicable to the property. Temporary Special Events include, but are not limited to, one or more of the following characteristics: 1) Any activity involving entertainment and/or amplified sound, food, beverage, merchandise sales or any activity such as a festival, carnival/circus, sports event, trade show, craft show, car show, public dance, concert or performance; 2) Any activity that may substantially increase or disrupt the normal flow of traffic on any street or highway; 3) Any activity which involves the use of City facilities; 4) Any activity which involves the use of City services that would not be necessary in the absence of such an event; or 5) Any activity which includes mobile food vehicles as part of the event.

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For the purposes of this code, a garage sale or other similar function that is contained solely on private property, shall not be considered a special event.

- 2) “City Facilities” shall mean City-owned parking lots and City-owned buildings.
- 3) “City Manager” shall mean the City Manager or the Manager’s designee.

C. PERMIT REQUIRED.

No person or entity shall hold a Temporary Special Event within the City of Bellbrook without a permit issued by the City Manager as required by this Chapter.

D. APPLICATIONS.

- 1) Any person wanting to hold a Temporary Special Event shall submit a Special Event Application with the requisite fee and proof of insurance required by this Section to the City Manager no later than thirty (30) days prior to the date of the requested event.
 - a. Within fourteen (14) days of receiving a completed application with all required supporting documents and fees as outlined in this Section, the City Manager shall either approve or deny the application. If the application is denied, the City Manager shall, in writing, state why the application was denied.
- 2) A \$25.00 non-refundable application fee is due at the time of application.
- 3) Each application shall describe the type of event, the location, the proposed activity and the number of days on which it is to be held. Each applicant shall provide a letter of permission from the owner of the property on which the Temporary Special Event is to be held.
- 4) Each application shall contain a description of the number and types of display units and/or temporary structures proposed in connection with the Temporary Special Event. A site plan showing the proposed temporary structures must be included.
- 5) Each application shall set forth any potential parking problems and the proposed resolution of the same.
- 6) Any activity not expressly stated in an approved application shall be prohibited.

E. CONFLICTS WITH PREVIOUSLY SCHEDULED EVENTS.

Each Temporary Special Event date will be considered for approval on a first-come, first served basis, based on the date the application was submitted to the City Manager. No Temporary Special Event will be permitted which would conflict with other civic or special events, whether previously authorized by the City Manager or by other appropriate authorities. The application must include all required supporting materials, fees and insurance requirements before the City Manager will approve the requested event.

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F. LIABILITY INSURANCE.

- 1) Each applicant for a Temporary Special Event shall provide proof of general liability insurance, in an amount not less than one million dollars (\$1,000,000), which shall indemnify and save harmless the City from any and all judgments, costs or expenses which the City may incur or suffer by permitting the Temporary Special Event. The Certificate of General Liability Insurance must establish that the City is an additional insured. Additional insurance is required for fireworks and pyrotechnics.
- 2) The applicant also agrees and promises to defend, indemnify, and hold harmless the City of Bellbrook, Ohio, its officers, agents, employees, and volunteers from and against any liability for any equipment or supplies lost, stolen, or damaged that are stored or otherwise as a result of or in connection to this event.
- 3) The following language must be on the Certificate of Insurance:
“The following are additional insureds: the City of Bellbrook, Ohio and its elected and appointed officials, all employees, agents, volunteers, all boards, commissions and/or authorities and board members, including employees, agents and volunteers thereof. Coverage shall be primary to the additional insureds and not contributing with any other insurance or similar protection available to the additional insureds whether other available coverage be primary, contributing or excess.”

G. REGULARLY OCCURRING EVENTS.

Special Events that will be occurring regularly, such as seasonal fairs or farmers markets, shall only be required to submit one Special Event Permit per calendar year.

H. SIDEWALK OBSTRUCTIONS.

Any proposed sidewalk obstructions for a Temporary Special Event shall not be permitted without expressed permission from the City.

I. CITY SERVICES.

The City shall invoice the applicant for City services provided to Temporary Special Events at rates set by the City Manager. The City Manager or the Manager’s designee reserves the right to determine the services and levels of services provided to any event.

J. PERMITS, LICENSES, INSPECTIONS.

The applicant is responsible for obtaining all permits, licenses and/or inspections required by outside agencies and organizations.

K. MOBILE FOOD VEHICLES.

An applicant that plans to use mobile food vehicles must have all applicable permits/licenses as required by the Greene County Health Department.

RECORD OF ORDINANCES

Ordinance No. 2019-16

October 14, 2019

L. SIGNAGE.

Special events are eligible to post event-related signage in the right-of-way. To apply, the event sponsor must provide the desired sign placement locations via a map, number of signs desired and the sign's size to the City Manager or his or her designee. The City reserves the right to further limit the number of special event signs based on other event signage requests or other extenuating circumstances.

- 1) **PLACEMENT AND SIZE** - A maximum of 4 off-site signs are permitted to be installed for the approved event in the public right-of-way. Off-site signage requires a site plan showing where the signs are proposed to go. Each off-site sign shall not exceed 32 square feet in overall sign area and 6 feet in overall height. In situations where the timing of approved special events overlap, the City reserves the right, at its sole discretion, to reduce the number of off-site signs allocated to each event in order to accommodate the signage needs of multiple events to the extent practical. Regardless of any limitation or reallocation of signage, the total number of sign positions will not exceed the maximum of 4 as outlined above. Only City Staff are permitted to install approved off-site signage in the city's right-of-way. Off-site signage, as approved via the special event permit, shall be exempt from all requirements of the Bellbrook Zoning Code. All signage must be kept in good repair. Signage may not be installed by the event sponsor within the public right-of-way, on lampposts, utility poles, traffic signage, any location where the view of vehicle traffic would be obstructed, or on private property.
- 2) **TIMEFRAME OF SIGNAGE** – Signs approved with this application, are permitted to be placed up to 14 days before the proposed event and must be taken down no later than 3 days after the event's end. Signage for regular occurring events shall be approved by the City Manager on a case by case basis.
- 3) **SIGNS WITHOUT PERMIT** – All signage erected without first obtaining the Special Event Permit are illegal and subject to removal.

M. ADDITIONAL CONDITIONS OR REQUIREMENTS.

The City Manager reserves the right with respect to all Temporary Special Events to establish such additional conditions or requirements as the Manager, in his/her discretion, deems advisable. Any Temporary Special Event or private event that does not abide by the regulations set forth in this Chapter or other requirements established by the City Manager is subject to immediate cancellation by the City Manager.

N. PENALTY.

- 1) Whoever violates any of the provisions of this Chapter shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
- 2) It is the event organization's responsibility to clean up debris left over from the event. Failure to clean up following the event will result in a \$500 clean-up fee being sent to the person and/or organization responsible for the event.

RECORD OF ORDINANCES

Ordinance No. 2019-16

October 14, 2019

Section 2. This ordinance shall take effect and be in force from and after the earliest period provided by law.

PASSED this ____ day of _____, 2019.

Michael W. Schweller, Mayor

Pamela Timmons, Clerk of Council

APPROVED AS TO FORM:
Stephen M. McHugh, Municipal Attorney



CITY OF BELLBROOK

SPECIAL EVENT PERMIT

15 EAST FRANKLIN STREET, BELLBROOK, OHIO 45305

(937) 848-4666 WWW.CITYOFBELLBROOK.ORG

APPLICANT INFORMATION

NAME OF APPLICANT _____ CONTACT PERSON _____

NAME OF ORGANIZATION _____ PHONE NUMBER _____

NAME OF EVENT _____ EMAIL _____

EVENT INFORMATION

TYPE OF EVENT BLOCK PARTY PARADE BIKE/WALK/RUN OTHER ALCOHOL SERVED: Yes No

IF EVENT IS "OTHER" STATE THE TYPE OF EVENT _____

BRIEF DESCRIPTION OF THE EVENT AND ANY SPECIAL PUBLIC SAFETY OR CITY SERVICES NEEDED _____

DATE(S) OF THE EVENT _____ TIME OF THE EVENT _____

STREETS OR PUBLIC AREAS REQUESTING TO CLOSE _____

PLEASE HIGHLIGHT/MARK THE EVENT AREA OR EVENT ROUTE ON A MAP

WILL SIGNS BE PLACED IN THE RIGHT-OF-WAY? YES _____ NO _____

IF YES, PROVIDE A MAP DETAILING WHERE THE SIGNS WILL BE PLACED AND THE SIZE OF THE SIGNS.

ADDITIONAL INFORMATION

HOLD HARMLESS: THE PERMITTEE WILL HOLD HARMLESS AND INDEMNIFY THE CITY OF BELLBROOK, ITS ELECTED OFFICIALS, OFFICERS, EMPLOYEES AND AGENTS FROM ANY DAMAGES WHICH MAY ARISE AS A RESULT OF THE CONDUCT OF THE PARADE OR ASSEMBLY FOR WHICH THE PERMIT IS SOUGHT BY PERSONS WHO WERE OR REASONABLY SHOULD HAVE BEEN UNDER THE CONTROL OF THE PERMITTEE.

PRIOR TO THE BEGINNING OF THE EVENT, IT IS IMPORTANT THAT ALL PARTICIPANTS BE ADVISED TO OBEY PEDESTRIAN REGULATIONS AND CROSS ONLY AT INTERSECTIONS OR AS DIRECTED BY THE POLICE.

YOUR ORGANIZATION WILL HAVE TO ARRANGE FOR PAYMENT FOR THE USE OF SERVICES (WATER, ELECTRIC, TRASH PICK-UP) WHETHER PROVIDED BY A PRIVATE OWNER OR PUBLIC ENTITY. EXTRAORDINARY PUBLIC SAFETY SERVICES (EXCESSIVE OVERTIME) MAY ALSO NEED TO BE PAID FOR AT THE DETERMINATION OF THE CITY MANAGER.

IT IS THE EVENT ORGANIZATION'S RESPONSIBILITY TO CLEAN UP DEBRIS LEFT OVER FROM THE EVENT. FAILURE TO CLEAN UP FOLLOWING THE EVENT WILL RESULT IN A \$500 CLEAN-UP FEE BEING SENT TO THE PERSON AND/OR ORGANIZATION RESPONSIBLE FOR THE EVENT.

APPLICANT SIGNATURE _____ DATE ____/____/____

FAILURE TO PROVIDE A CERTIFICATE OF INSURANCE VOIDS AN OTHERWISE APPROVED EVENT PERMIT.

DATE CERTIFICATE OF INSURANCE RECEIVED BY THE CITY _____

OFFICE USE ONLY		
PERMIT FEE	PAYMENT TYPE	PERMIT NUMBER
\$ _____	CASH <input type="checkbox"/> CHECK <input type="checkbox"/> # _____	_____
APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/>	STAFF SIGNATURE _____ DATE ____/____/____	

RECORD OF ORDINANCES

Ordinance No. 2019-17

October 14, 2019

City of Bellbrook

Ordinance No. 2019-17

An Ordinance Adding Chapter 1011 – “Sidewalks” to the Codified Ordinances of Bellbrook, Ohio.

WHEREAS, the City of Bellbrook has identified the need to specifically outline standards as they relate to sidewalk installation, maintenance and repair; and

WHEREAS, the City of Bellbrook does not currently have said specifications incorporated into its municipal code; and

WHEREAS, the City of Bellbrook wishes to establish said specifications as part of a new chapter, Chapter 1011 “Sidewalks”.

Now, Therefore, The City of Bellbrook Hereby Ordains:

Section 1. That the following addition of Chapter 1011 “Sidewalks” of the Codified Ordinances of the City of Bellbrook be approved:

CHAPTER 1011 SIDEWALKS

A. PURPOSE OF CHAPTER

The purpose of these rules and regulations are to establish criteria and procedures for the construction, repair and replacement of sidewalks, curbs and gutters.

B. APPLICABILITY

This policy applies to all sidewalks and paths installed by owners, developers, homeowner associations, condominium associations and their respective successors and assigns, the City and the County. This policy does not apply in situations in which sidewalks or paths have been installed by City Council unless otherwise indicated by a written agreement.

C. DEFINITIONS

The terms used in this section shall have the meanings herein defined unless another meaning is clearly apparent in the language or context.

1. “Owner” means:

- a. In the case of land, any individual or entity indicated on the most recent Greene County tax records as: the owner of the land; or the owner of the land abutting an easement or right-of-way in which a sidewalk is located, or

RECORD OF ORDINANCES

- b. In the case of property other than land, any person who is in lawful possession thereof.
2. "Occupant" means (1) a person who is in physical possession of a property, or (2) a person who has responsibility for, and control over, the condition of a property, the activities conducted on that property, and the persons allowed to enter the property.
3. "Person" includes an individual, corporation, society, association, condominium association, homeowner association, partnership or firm and the successor of the heir, executor, administrators or other legal representatives of a person.
4. "Sidewalk" means a part of highway or street especially adapted to the use of or ordinarily used by pedestrians and includes that part of the highway between the curb line (or edge of roadway where there is no curb line) and the adjacent property line, or the easement for sidewalks established by subdivision plat.
5. "Administrator" means the City Manager or his/her designee.

D. SIDEWALK REPAIR/REPLACEMENT

1. The Administrator shall establish a program for carrying out the provisions of this Section. The Administrator is hereby further authorized and directed to promulgate rules and regulations consistent with the requirement and provisions of this Chapter to carry out the intent and purpose of this policy with the approval of City Council.
2. The Administrator shall inspect the sidewalks and driveway aprons of the City upon receipt of notice from a resident, an adjacent property owner, or a City employee that repair is needed and at reasonable intervals.
 - a. The Administrator shall require repair or installation of sidewalks when the Administrator determines any of the following conditions are present:
 - i. The difference in elevation between two slabs at a formed or random joint or crack exceeds three-quarters of an inch (3/4");
 - ii. Where a portion of the sidewalk is missing;
 - iii. If the sidewalk has a crack more than one (1") in width;
 - iv. Where a block has buckled, within the limits of the block, to a height which exceeds three-quarters of an inch (3/4");
 - v. Where a block has settled, within the limits of the block, to a depth which exceeds three-quarters of an inch (3/4");
 - vi. Where a slab has pitted, spalled, scalled or deteriorated twenty-five percent (25%) or more of its surface;
 - vii. Where a slab has disintegrated or shattered;
 - viii. Where a slab rocks or moves under the weight of a pedestrian;
 - ix. Where diagonal, transverse and longitudinal cracks interconnect forming a series of polygons; or

RECORD OF ORDINANCES

Ordinance No. 2019-17

October 14, 2019

- x. If the sidewalk has more than two (2) cracks of one-quarter inch (1/4'') in width or more in any two linear feet of sidewalk sections.
- b. Notification to Property Owners: Upon such determination that a sidewalk is in need of repair, the owner of the property shall be notified by personal service or by certified mail, return receipt requested, to make the necessary improvements. If notice is returned undelivered, a copy thereof shall be posted in a conspicuous place on the property to which the sidewalk in section abuts. Said repairs or replacements shall be made within 180 days from the giving of notice, unless extension(s) is granted by the Administrator due to inclement weather or other unforeseen circumstances.
- c. Property Owner Options for Compliance: Property owners given notice to make repairs shall have the following two options:
 - i. The property owner may contract with a third party private contractor at his/her own expense to make the repairs or replacements, subject to administrative approval of all work within the right-of-way application by the City of Bellbrook; or
 - ii. If, after the expiration of 180 days following the giving of the notice to the property owner, the repair or installation of sidewalks is not made by the owner, the Administrator shall order the repair and/or installation of the sidewalk under the overall sidewalk contract of the City of Bellbrook as hereinafter provided. The installation and/or repair of such sidewalk shall be supervised by the Administrator. Upon completion of such work by the City, a statement by the Finance Director shall be forwarded to the owner at his/her tax mailing address as shown in the records of Greene County by registered mail, return receipt requested. If any notice herein required to be given by registered mail, return receipt requested, is not delivered to such owner or his/her agent as evidenced by the postal return thereon, a copy thereof shall be posted in a conspicuous place on the property to which the sidewalk in section abuts. After completion of such work by the City, the owners shall thereafter have 180 days to pay such expense, and if it is not paid at the expiration of the 180 day period, the cost shall thereupon constitute a lien upon the lots and lands so benefitted and a tax is assessed therefore. The Administrator upon approval by the City Council shall certify such tax lien for assessment to the Greene County Auditor.

RECORD OF ORDINANCES

E. **STANDARDS FOR CONSTRUCTION, REPAIR AND MAINTENANCE**

1. All construction, repair or maintenance of sidewalks shall be in accordance with the following standards and specifications:
 - a. Concrete sidewalk standards and specifications shall be in accordance with the most current edition of the State of Ohio, Department of Transportation, Construction and material Specifications (ODOT CMS), Items 608.01, 608.02, 608.03, 608.08, and 608.09, except as follows (all item numbers refer to the ODOT CMS):
 - i. An aggregate base of 4 inches (thickness) of compacted size No. 57 or 67 stones (or equivalent by the Administrator) shall be placed on the top of the repaired subgrade prior to the placing concrete for the sidewalk. The subgrade shall be shaped and uniformly compacted to meet the requirements of Item 203 or as ordered by the Administrator;
 - ii. The finished surface of the sidewalk shall be float-finished or broom finished, perpendicular to the direction of travel path, to obtain a sandy texture – decorative patterns on the finished surface shall only be permitted with the expressed written consent of the Administrator;
 - iii. Sidewalks shall consist of 4 inches (thickness of concrete, except where the sidewalk crosses through driveways, in which case the thickness shall be 6 inches and such thickness must extend one (1) foot wider than the driveway on each side of the driveway;
 - iv. Transverse control/contraction joints for sidewalks may be saw cut (approximately 1/8-inch width) or tool formed during the placement of concrete; however, tooled control/contraction joints shall not exceed 1/2-inch width at the top of the tooled joint;
 - v. The surface of sidewalks shall be divided into blocks by joints (transverse control/contraction or expansion) equally spaced, with the spacing of joints being approximately the same as the width of the sidewalk;
 - vi. Expansion joint material 1/2 – thick shall be installed for transverse expansion joints to be the full depth and across the full width of the concrete sidewalk at intervals not to exceed two-hundred fifty feet (250'), as well as when the sidewalk thickness changes such as at driveways (see

RECORD OF ORDINANCES

Ordinance No. 2019-17

October 14, 2019

- item iii above), and between the walk and any fixed structures or objects including existing or proposed concrete sidewalks, driveways or driveway aprons. The top of the expansion joint material shall be flush with sidewalks, driveways, or driveway aprons. The top of the expansion joint material shall be flush with the finished surface of the sidewalk and shall not protrude above the finished surface of the sidewalk;
- vii. The transverse slope of the surface of the sidewalk shall be 3/16-inch per foot (i.e., 1.6%) preferred; however, the transverse slope shall not exceed 2.0% (i.e., 1:50). Transverse slopes, in accordance with this specification, shall also apply to sidewalks that cross through driveways. The low side of the sidewalk shall be the side adjacent to the roadway;
 - viii. The longitudinal slope of the surface of the sidewalk shall not exceed 5.0% (i.e., 1:20), exclusive of ramps, except where the administrator approves a steeper grade to follow the natural ground slope;
 - ix. Sidewalks shall be a minimum of 4 feet in width on residential local streets, and a minimum of 5 feet in width on collector or arterial streets or any other location in the City, unless otherwise required by the Bellbrook Sidewalk Construction, Repair and Maintenance Policy, or unless approved (in writing and prior to construction) by the Administrator;
 - x. Appurtenances including, but not limited to, water and gas valve boxes, manholes, sign posts and utility poles shall be located outside of the sidewalk area, unless otherwise approved (in writing and prior to construction) by the Administrator;
 - xi. Roof/sump drains shall not be extended to day light within the right-of-way. Drain pipes shall not encroach vertically within the concrete of the sidewalk;
 - xii. Fills, if required, shall be clear earth (free of foreign material), compacted in 20-inch lifts; or of a suitable aggregate base, as approved by the Administrator, compacted in lifts not exceeding 4 inches;
 - xiii. All public sidewalks shall be contained within the public right-of-way, or within a recorded easement, approved (in writing and prior to construction) by the Administrator, and such easement shall deed rights to

RECORD OF ORDINANCES

Ordinance No. 2019-17

October 14, 2019

the City for the location of the sidewalk and for the public pedestrian use of the sidewalk;

- xiv. As soon as the concrete is firmly set, the forms shall be removed and finished grade shall be made to the level of the concrete sidewalk edges;
 - xv. Obstructions, such as valuable trees of long standing, may be avoided by aligning the sidewalk around the tree. In such cases, the alignment shall be approved in writing and prior to construction by the Administrator. In all cases of injury to persons or property caused from any obstruction, the City shall not be liable for damage in any respect;
 - xvi. All formwork shall be inspected, and shall receive written approval by the Administrator, prior to placement of concrete;
 - xvii. All materials used, and completed work, shall be to the satisfaction of the Administrator, and shall be clear from defects and deficiencies;
 - xviii. The Contractor, or other party performing the construction, shall be solely responsible for ensuring the sidewalk is compliant with the requirements of the Americans with Disabilities Act (ADA).
2. Unless otherwise required by the approved zoning development plan, sidewalk material shall be concrete installed to City standards and specifications. In the case of construction, repair or maintenance, the material shall match that of the existing sidewalk.
3. The Administrator may inspect all construction, repair or maintenance by abutting property owner(s) for compliance with the applicable standards and specifications. Inspections may be made during the performance of the work and upon its completion. All abutting property owner(s) required to perform construction, repair or maintenance work shall coordinate inspections with the Administrator. Work performed without such coordination and inspection shall be subject to further construction, repair or maintenance. All construction, repair or maintenance of sidewalks by abutting property owner(s) shall be to the satisfaction of the Administrator.

Section 2. This ordinance shall take effect and be in force from and after the earliest period provided by law.

RECORD OF ORDINANCES

Ordinance No. 2019-17

October 14, 2019

PASSED this ____ day of _____, 2019.

Michael W. Schweller, Mayor

Pamela Timmons, Clerk of Council

APPROVED AS TO FORM:
Stephen M. McHugh, Municipal Attorney

RECORD OF ORDINANCES

Ordinance No. 2019-18

October 14, 2019

City of Bellbrook

Ordinance No. 2019-18

An Ordinance Amending Section 1450.31 (c) “Sidewalks and Driveways” of the Bellbrook Property Maintenance Code.

WHEREAS, the City of Bellbrook has added Chapter 1011 “Sidewalks” to its Codified Ordinances with the adoption of Ordinance 2019-17; and

WHEREAS, the City of Bellbrook Property Maintenance Code addresses sidewalk maintenance and repair; and

WHEREAS, the Property Maintenance Code Section 1450.31 (c) Sidewalks and Driveways needs to be amended to reference the aforementioned addition to the Municipal Code for the City of Bellbrook.

Now, Therefore, The City of Bellbrook Hereby Ordains:

Section 1. That the following amendment of Section 1450.31 (c) “Sidewalks and Driveways” of the City of Bellbrook Property Maintenance Code be approved with deletions shown by brackets and strikethrough and additions shown by italics and underlined:

1450.31 EXTERIOR PROPERTY AREAS.

(c) **Sidewalks and Driveways.** All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. *The standards outlined in Chapter 1011 of the Bellbrook Municipal Code shall determine when a sidewalk is in need of repair and/or replacement.*

Section 2. This ordinance shall take effect and be in force from and after the earliest period provided by law.

PASSED this ____ day of _____, 2019.

Michael W. Schweller, Mayor

Pamela Timmons, Clerk of Council

APPROVED AS TO FORM:
Stephen M. McHugh, Municipal Attorney

RECORD OF ORDINANCES

Ordinance No. 2019-19

October 28, 2019

City of Bellbrook

Ordinance No. 2019-19

An Ordinance Repealing Ordinance 2019-14 and Adopting new Ordinance 2019-19 to Adjust the City of Bellbrook Appropriations for 2019.

WHEREAS, the City of Bellbrook adopted Ordinance 2019-14 to Adjust the City of Bellbrook Appropriations for 2019; and

WHEREAS, there were clerical errors in the beginning and amended appropriation lines; and

WHEREAS, the City of Bellbrook wishes to repeal Ordinance 2019-14 and adopt Ordinance 2019-19 and correct clerical errors.

Now, Therefore, the City of Bellbrook Hereby Ordains:

Section 1. Council hereby repeals Ordinance 2019-14 to correct clerical errors and hereby adopts new Ordinance 2019-19.

Section 2. That the 2019 appropriation levels in several of the funds listed below be amended as follows:

Fund	2019 Appropriations	Personnel Services Revisions	Other Expenses Revisions	Total Revisions	Amended 2019 Appropriations
General Fund:					
-Legislative	\$ 51,170	\$ 12,000	\$ 1,230	\$ 13,230	\$ 64,400
-Administrative	\$ 684,355	\$ -	\$ -	\$ -	\$ 684,355
-Library	\$ 2,000	\$ -	\$ -	\$ -	\$ 2,000
-Museum	\$ 19,780	\$ -	\$ -	\$ -	\$ 19,780
-Community Env.	\$ 11,022	\$ 63,475	\$ -	\$ 63,475	\$ 74,497
Total General Fund	\$ 768,327	\$ 75,475	\$ 1,230	\$ 76,705	\$ 845,032
	\$ -				
Police Fund	\$ 1,764,085	\$ -	\$ -	\$ -	\$ 1,764,085
Police Pension Fund	\$ 48,340	\$ -	\$ -	\$ -	\$ 48,340
Fire Fund	\$ 1,277,084	\$ -	\$ -	\$ -	\$ 1,277,084
Street Fund	\$ 322,775	\$ -	\$ 65,480	\$ 65,480	\$ 388,255
State Highway Fund	\$ 23,200	\$ -	\$ -	\$ -	\$ 23,200
Motor Vehicle Fund	\$ 32,100	\$ -	\$ -	\$ -	\$ 32,100
Waste Fund	\$ 465,968	\$ 6,085	\$ -	\$ 6,085	\$ 472,053
Water Fund	\$ 1,386,318	\$ 20,367	\$ -	\$ 20,367	\$ 1,406,685
Capital Impr. Fund	\$ 474,280	\$ -	\$ -	\$ -	\$ 474,280
Fuel System Fund	\$ 1,200	\$ -	\$ 3,000	\$ 3,000	\$ 4,200
Perf. Bond Fund				\$ -	\$ -
Grand Total - All Funds	\$ 6,563,677	\$ 101,927	\$ 69,710	\$ 171,637	\$ 6,735,314

RECORD OF ORDINANCES

Ordinance No. 2019-19

October 28, 2019

Section 3. This ordinance shall take effect and be in force from and after the earliest period provided by law.

PASSED this ____ day of _____, 2019.

Michael W. Schweller, Mayor

Pamela Timmons, Clerk of Council

APPROVED AS TO FORM:
Stephen M. McHugh, Municipal Attorney

SUPPLEMENTAL APPROPRIATION WORKSHEET

SUPPLEMENT TO ORDINANCE 2019-19

GENERAL FUND		
DEPARTMENT	AMOUNT	PROJECT
LEGISLATIVE	\$ 13,230	Clerk wages underbudgeted due to position changes
COMMUNITY ENVIRONMENT (P&Z)	\$ 63,475	New position not budgeted for
TOTAL GENERAL FUND	\$ 76,705	
SPECIAL REVENUE FUNDS		
STREET FUND	\$ 65,480	Little Sugarcreek & Franklin St. Engineering Fees
FUEL SYSTEM	\$ 3,000	Unexpected repairs to fuel system
TOTAL SPECIAL REVENUE FUNDS	\$ 68,480	
ENTERPRISE FUNDS		
WASTE	\$ 6,085	Leave payouts not budgeted for
WATER	\$ 20,367	Leave payouts not budgeted for
TOTAL ENTERPRISE FUNDS	\$ 26,452	
Total Supplemental Appropriations		\$ 171,637

RECORD OF RESOLUTIONS

Resolution No. 2019-DD

October 14, 2019

City of Bellbrook

Resolution No. 2019-DD

A Resolution Approving the Combination of Lots 51 and 52 of the Highview Terrace Subdivision, Section 3, Phase 1 into a Single Lot, Lot 51A.

WHEREAS, the Ohio Revised Code sets forth the Planning Board as the municipal platting authority; and

WHEREAS, the requested plat meets the requirements of the City's zoning code and subdivision regulations; and

WHEREAS, the Bellbrook Planning Board has recommended approval of the combination of lots 51 and 52 of the Highview Terrace Subdivision, Section 3, Phase 1 into a single lot, Lot 51A of the same subdivision; and

WHEREAS, the City of Bellbrook Subdivision Regulations stipulate that changes to a recorded plat shall be approved by action of the Bellbrook City Council.

Now, Therefore, the City of Bellbrook Hereby Resolves:

Section 1. That the combination of lots 51 and 52 of the Highview Terrace Subdivision, Section 3, Phase 1 into a new single lot, Lot 51A is hereby approved for recording purposes.

Section 2. That the Mayor and Clerk of Council are authorized to affix their signatures to the revised record plan.

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

Michael W. Schweller, Mayor

Pamela Timmons, Clerk of Council



To: Planning Board
From: Jeff Green, Planning and Zoning Assistant
Date: October 4, 2019
Subject: Staff Report for Lot Combination (Lots 51 & 52 – Highview Terrace)

Summary of the Request

The developer has submitted a request to combine Lots 51 and 52 of Section 3 Phase 1 of the Highview Terrace Subdivision. The subject properties have the following address numbers associated with them: 1939 and 1931 Sugar Maple Pl. This action is a Section 1 Phase 3 of the Highview Terrace Subdivision which was originally approved in 2017. The action being presented before you is to either approve or deny the lot combination request.

Applicant Information

Engineer: John Brumbaugh
Brumbaugh Engineering & Surveying, LLC
2270 S Miami St.
West Milton, OH 45383

Owner: Clemens Development Co
3889 Indian Ripple Rd Ste G
Dayton, Ohio 45440

Current Zoning District

PD-1, Planned Residential Development

Parcel Identification

Parcel ID # L35000100030015200, (1939 Sugar Maple) 0.885 Acres

Parcel ID # L35000200130008500, (1931 Sugar Maple) 0.57 Acres

Additional Actions or Next Steps to be taken by the City

If a replat is approved by the Planning Board, the next step would be for City Council to either approve or deny the Planning Board's recommendation. If a replat is denied, the property

owners can submit revisions to the Planning Board to be considered at another meeting.

Applicant's Reason for the Request

The applicant would like to consolidate the properties so that one home site remains instead of two. If approved, only one home would be permitted to be built on the site.

Surrounding Land Use within 1,000 Feet

The land surrounding the subject property is mostly single family residential (planned residential); however further to the east is the Old Village which is zoned as B-4 for a wide range of commercial and office/service uses.



Previous Related Development Decisions in the Immediate Area

This development has gone through several re-plats and major/minor changes in the recent past.

Comprehensive Plan Applied to the Geographical Area

The 2019 Comprehensive Plan addresses residential housing in relation to this property. Specifically, the Plan wants this (and the surrounding area) to be "neighborhood residential."

Per the Plan, Bellbrook should seek to preserve single-family residential subdivisions when possible:

"Bellbrook should protect its single-family residential platted lands or town lots (subdivisions) for that purpose and consider multi-family units on unplatted lands. Single-family Development, multi-family, and duplexes should all be considered on vacant lands but not part of a subdivision. During the public input phase it was clear that the citizens of Bellbrook want to remain small and retain and maintain its suburban residential neighborhoods."

In summary, the request would seem to fit the goal of the Comprehensive Plan, to protect the area and keep it as neighborhood residential.

Existing Public Utilities

N/A

Soil Survey Data

N/A

Classification of Streets, Traffic Volumes & Direction, Planned Improvements

Minor streets with 50' or more of right-of-way on each side

Flood Plain Information

A small portion of the property is located in the floodplain. However, it should be noted that there is 50' Landscape Drainage easement that would prohibit buildings to be placed with the easement.

Comments from City and County Agencies

Other Agencies: NA

Supporting Maps & Graphics

Proposed Replat and Aerial Enclosed

Staff Recommendation

Staff recommends the proposed lot consolidation be approved as submitted.

DEDICATION

ME, THE UNDERSIGNED, BEING ALL THE OWNERS AND LIENHOLDERS OF THE LANDS HEREIN DESCRIBED, HEREBY CONSENT TO THE EXECUTION OF SAID PLAT AS SHOWN HEREON, AND DO HEREBY WAIVE, IN ADVANCE, ALL SUCH RIGHTS AS TO THE LOCATION, EASEMENTS SHOWN ON THE WITHIN PLAT ARE RESERVED FOR THE CONVEYANCE, MAINTENANCE, REPAIR, REPLACEMENT OR REMOVAL OF WATER, GAS, SEWER, ELECTRIC, TELEPHONE OR OTHER UTILITIES OR SERVICES, AND FOR THE EXPRESS PRIVATE USE OF SAID UTILITIES AND FOR THE PROVIDING OF INGRESS AND EGRESS TO THE PROPERTY FOR SAID PURPOSES, AND ARE TO BE MAINTAINED AS SUCH FOREVER.

SIGNED AND ACKNOWLEDGED OWNER LOTS 51 & 52: CLEMENS DEVELOPMENT CO., INC
IN THE PRESENCE OF:

WITNESS BY: RICHARD M. CLEMENS PRESIDENT, CLEMENS DEVELOPMENT CO., INC

WITNESS BY: _____

STATE OF OHIO, S.S.: THIS FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY RICHARD M. CLEMENS, ITS PRESIDENT, AS OWNER

NOTARY PUBLIC SIGNED AND ACKNOWLEDGED LIENHOLDER
IN THE PRESENCE OF:

WITNESS BY: _____

WITNESS BY: _____

IT'S: _____ (PRINTED TITLE)

BY AS LIENHOLDER: _____ (DAY OF _____ 20__)

NOTARY PUBLIC

DESCRIPTION

THE WITHIN RE-PLAT IS A SUBDIVISION CONTAINING 1.455 ACRES AND BEING ALL OF CLEMENS DEVELOPMENT COMPANY, INC, LOTS 51 AND 52 AS RECORDED IN HIGHVIEW TERRACE SECTION THREE PHASE ONE, PLAT CABINET VOL. 38 PGS 235A-238B AS ACQUIRED BY CLEMENS DEVELOPMENT COMPANY THROUGH INSTRUMENTS RECORDED IN O.R. VOL. 2722, PGS. 822 OF THE OFFICIAL RECORDS OF GREENE COUNTY, OHIO.

STATE OF OHIO, S.S.: CLEMENS DEVELOPMENT CO., INC, BY RICHARD M. CLEMENS, ITS PRESIDENT, BEING ALL OWNERS AND LIENHOLDERS, HEREBY CONSENT TO THE EXECUTION OF SAID PLAT AS SHOWN HEREON, AND DO HEREBY WAIVE, IN ADVANCE, ALL SUCH RIGHTS AS TO THE LOCATION, EASEMENTS SHOWN ON THE WITHIN PLAT ARE RESERVED FOR THE CONVEYANCE, MAINTENANCE, REPAIR, REPLACEMENT OR REMOVAL OF WATER, GAS, SEWER, ELECTRIC, TELEPHONE OR OTHER UTILITIES OR SERVICES, AND FOR THE EXPRESS PRIVATE USE OF SAID UTILITIES AND FOR THE PROVIDING OF INGRESS AND EGRESS TO THE PROPERTY FOR SAID PURPOSES, AND ARE TO BE MAINTAINED AS SUCH FOREVER.

RICHARD M. CLEMENS
SWORN TO AND SIGNED IN MY PRESENCE ON
THIS _____ DAY OF _____ 20__

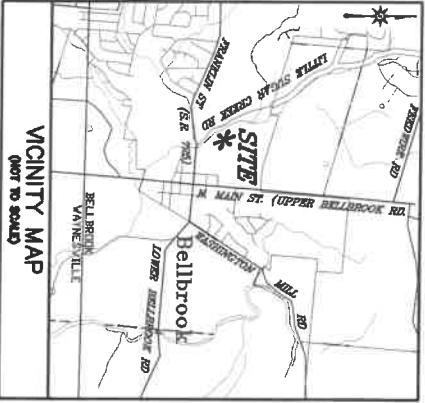
NOTARY PUBLIC

COVENANTS, CONDITIONS AND RESTRICTIONS:

THE LOTS OF THE WITHIN RE-PLAT ARE GOVERNED BY THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, ASSIGNMENTS, ARTICLES OF INCORPORATION, AND BY LAWS OF THE STATE OF OHIO, INCLUDING THE UNIFORM COVENANTS ASSOCIATION, ALL OF WHICH ARE RECORDED ON HIGHVIEW TERRACE SECTION THREE PHASE ONE, PLAT CABINET VOL. 38 PGS. 235A-238B & O.R. VOL. 2725, PGS. 619-637 OF THE DEED RECORDS OF GREENE COUNTY, OHIO AND SHALL BE IN EFFECT FOR HIGHVIEW TERRACE LOT 51A OF THIS PLAT.

**HIGHVIEW TERRACE
SECTION ONE
RE-PLAT OF LOTS 51 AND 52
INTO LOT 51A**

FOR
CLEMENS DEVELOPMENT COMPANY, INC
LOCATED IN
CITY OF BELLBROOK
SECTION 2, TOWN 2, RANGE 6 M.R.'s
GREENE COUNTY, OHIO
1.455 ACRES
SEPTEMBER 25, 2019



BELLBROOK PLANNING BOARD:

CHAIRMAN _____ SECRETARY _____

BELLBROOK COUNCIL:

MANOR _____ CLERK OF COUNCIL _____

GREENE COUNTY AUDITOR:

WE HEREBY APPROVE AND ACCEPT THIS PLAT AND RECOMMEND THAT THE SAME BE RECORDED SUBJECT TO THE INCLUDED AGREEMENTS.

SIGNED THIS _____ DAY OF _____ 20__

TRANSFERRED THIS _____ DAY OF _____ 20__

GREENE COUNTY RECORDER:

FILE NO. _____ PLAT CABINET VOL. _____ PAGES _____

RECORDED THIS _____ AT _____ DAY OF _____ 20__

GREENE COUNTY RECORDER

CERTIFICATION
I, THE UNDERSIGNED, BEING ALL THE OWNERS AND LIENHOLDERS OF THE LANDS HEREIN DESCRIBED, HEREBY CONSENT TO THE EXECUTION OF SAID PLAT AS SHOWN HEREON, AND DO HEREBY WAIVE, IN ADVANCE, ALL SUCH RIGHTS AS TO THE LOCATION, EASEMENTS SHOWN ON THE WITHIN PLAT ARE RESERVED FOR THE CONVEYANCE, MAINTENANCE, REPAIR, REPLACEMENT OR REMOVAL OF WATER, GAS, SEWER, ELECTRIC, TELEPHONE OR OTHER UTILITIES OR SERVICES, AND FOR THE EXPRESS PRIVATE USE OF SAID UTILITIES AND FOR THE PROVIDING OF INGRESS AND EGRESS TO THE PROPERTY FOR SAID PURPOSES, AND ARE TO BE MAINTAINED AS SUCH FOREVER.

PHILIP C. BRUMBAUGH, P.S.
OHIO LICENSE NO. 9087 _____ DATE _____

DEVELOPER
CLEMENS DEVELOPMENT CO., INC.
6730 LITTLE SUGARCREEK RD.
DAYTON, OHIO 45440
PHONE: (937) 545-3232

RES. JOB NO. 578.19
**BRUMBAUGH
ENGINEERING &
SURVEYING, LLC**
2270 SOUTH MAIN STREET
WEST MILTON, OHIO 45383
PHONE: (937) 898-3000
FAX: (937) 898-3928
PAGE 1 OF 2

7.5' INDICATES DRAINAGE EASEMENT. DRAINAGE EASEMENT SHALL BE SUBJECT TO PERIODIC STORM WATER FLOWS ON THE SURFACE AND WITHIN UNDERGROUND PIPING IN SOME LOCATIONS.

30' MINIMUM REAR YARD SETBACK (M.A.R.Y.)

EACH LOT SHALL HAVE A 7.5' MINIMUM SIDE YARD BUILDING SETBACK AND 7.5' DRAINAGE & UTILITY SETBACK (UNLESS NOTED OTHERWISE)

LOT NUMBER

EACH LOT SHALL HAVE A 7.5' MINIMUM SIDE YARD BUILDING SETBACK AND 7.5' DRAINAGE & UTILITY EASEMENT (UNLESS NOTED OTHERWISE)

MINIMUM BUILDING LINE (M.B.L.)

NOTE: THE DEVELOPER'S MINIMUM FRONT YARD BUILDING SETBACK SHALL BE 40' UNLESS OTHERWISE NOTED IN WRITING BY THE DEVELOPER.

TYPICAL LOT

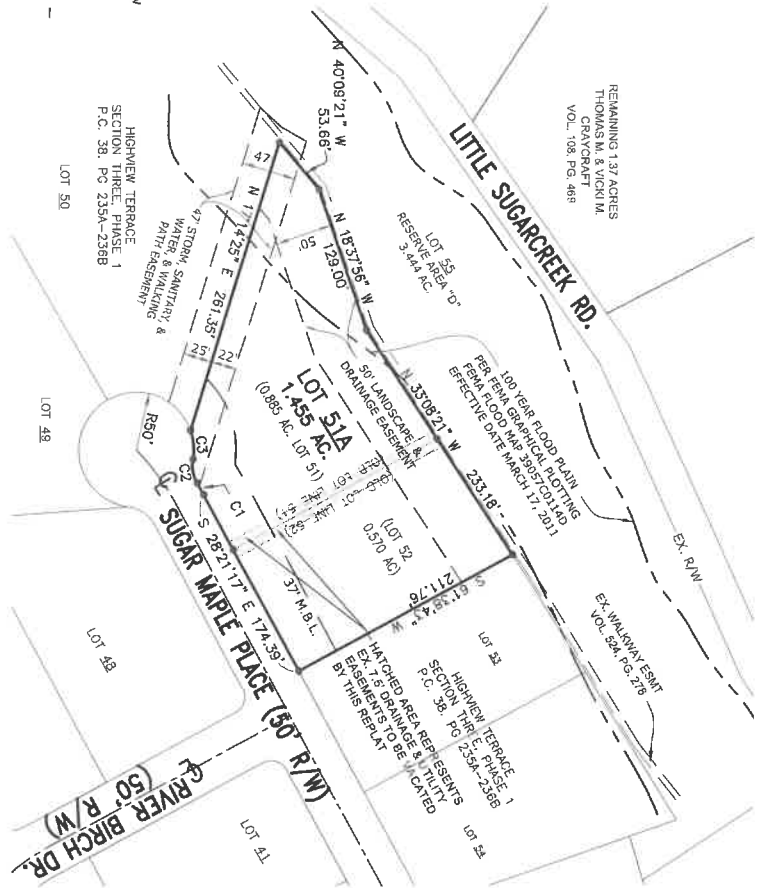
**HIGHVIEW TERRACE
SECTION ONE
RE-PLAY OF LOTS 51 AND 52
INTO LOT 51A**

FOR
CLERMENS DEVELOPMENT COMPANY, INC
LOCATED IN
CITY OF BELLEBROOK
SECTION 2, TOWN 2, RANGE 6 M.R.'s
GREENE COUNTY, OHIO
1.455 ACRES
SEPTEMBER 25, 2019

- NOTES:**
- LOT 51A SHALL BE KNOWN OR DESCRIBED AS RESIDENTIAL
 - LOT 51A SHALL BE KNOWN OR DESCRIBED AS RESIDENTIAL
 - LOT 51A SHALL BE KNOWN OR DESCRIBED AS RESIDENTIAL

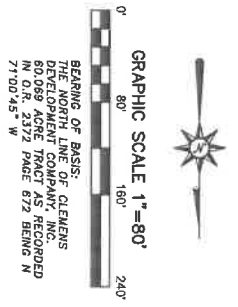
FLOOD PLAN NOTE

PARCELS OF LOT #51A ARE WITHIN THE 100 YEAR FLOODPLAIN AS SHOWN ON THE FLOODPLAIN MAP FOR THE 100 YEAR FLOODPLAIN. ANY DEVELOPMENT OF ANY LOT WITHIN THE FLOODPLAIN SHALL REQUIRE COMPLIANCE WITH THE FLOOD DAMAGE PROTECTION ORDINANCE. ANY AREA DESIGNATED FOR THE FLOOD DAMAGE PROTECTION SURVEY WATER SHALL BE AVOIDED. TREES SHALL BE MAINTAINED AND PROTECTED TO THE MAXIMUM EXTENT POSSIBLE. IN NO CASE SHALL ANY IMPROVEMENT, ALTERATION OR CONSTRUCTION UPON SUCH DESIGNATED AREA BE MADE WITHOUT THE APPROVAL OF THE CITY OF BELLEBROOK.



CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD	BEARING	CHORD LENGTH
C1	11.85	230.00	2.64	99.7	N 89.16	22.42
C2	4.09	50.00	4.74	97.7	N 43.16	22.42
C3	23.85	50.00	129.25	45	S 04.50	22.42



RES JOB NO. 575.19

**R RUMBAUGH
ENGINEERING &
SURVEYING, LLC**

4270 SOUTH MIAMI STREET
MIDDLETOWN, OHIO 43042
PHONE: (637) 898-3000
FAX: (637) 898-3028

PAGE 2 OF 2

To: Mayor & City Council
From: Melissa Dodd, City Manager
Date: October 11, 2019
Subject: October 14th City Manager's Update

- **Ordinances Presented:**

- **Public Hearing**

- **2019-15 Ordinance Adding Section 18.41 Demolitions to the Zoning Code** This is adding regulations on how demolitions are to be facilitated. We had a section on how a demolition is determined and this ordinance simply outlines the expectations if a demolition occurs. The intent is for full site restoration to a park like setting and to ensure that a demolition is fully finished. This has been approved by Planning Board.
- **2019-16 Ordinance Adding Section 412.07 Special Events to the Codified Ordinances** – This ordinance outlines what constitutes a special event and the process for receiving a permit to hold such an event. This is to outline expectations and responsibility of events as well as to serve as a communication tool for staff in preparing for such events.
- **2019-17 Ordinance adding Chapter 1011 Sidewalks to the Codified Ordinances** – As previously discussed, there are currently no regulations or standards for sidewalks that exist. If the City is to request the repair or replacement of sidewalks, regulations are needed.
- **2019-18 Ordinance Amending Section 1450.31 (c) Sidewalks and Driveways of the Property Maintenance Code** – This simply adds language that refers to the standards established in 2019-17.

- **Introduction of Ordinances**

- **2019-19 Ordinance Repealing and Replacing Ordinance 2019-14** Due to a clerical error with the starting amounts on the ordinance, this ordinance repeals and replaces the previous ordinance. The starting and ending appropriation amounts are corrected and the amount of increases is the same as previous.

- **New Business**

- **Greene County Trails Master Plan Support** – Greene County Parks and Trails and Greene County Regional Planning are partnering to create a master plan for trails for the County. They are asking each municipality to support the plan by contributing \$1250 in

the first quarter of 2020 to go toward the cost of the plan. If Council is in favor, this will be included in the 2020 budget.

- **Updates**

- **Downtown Development Tour** – On Wednesday the 9th staff and a few council members took a tour of available spaces and talked with development officials from Greene County and the Dayton Development Coalition. We toured and talked about a few larger properties downtown and their potential. This was a great way to form relationships with the Dayton Development Coalition and to get Bellbrook on their radar.
- **Bellbrook Open for Business** – I am in the process of coordinating an open house type event for entrepreneurs interested in possibly locating in Bellbrook to view some of our available spaces and speak with property owners. This is schedule for two different sessions – the first on Saturday, November 2 from 9-11am and the second on Wednesday, November 13 from 6-8pm.
- **Community Open House event** – We are looking at coordinating a community open house in January to present to the public a year in review of accomplishments and projects and get input for the coming year. This would be similar to the Visioning meeting that we had as part of the Comprehensive Plan where we have different stations and topics. We would have one for each major department and staff on hand to talk with the public. We have tentatively set this for the evening of January 29th.
- **Commendation for Chief Doherty** – On Tuesday the 8th I received a call from Judge O’Diam of the Greene County Probate Court commending Chief Doherty. Chief Doherty spoke at a hearing and Judge O’Diam commended him for going above and beyond to assist and elderly woman in the community. Judge O’Diam stated that Chief left a positive impression far beyond the City that day and he wanted me to pass this along to Council.
- **Police Department Hiring Update** – This week the Police Department will be interviewing for the Administrative Assistant and Police Officer positions. These are both full time. We had 45 applicants for the Administrative Assistant position and 6 for the Police Officer position. We are hopeful to get great candidates from the applications received.
- **Small Business Revolution** – There is a television series that works with small towns to revitalize them by assisting their small businesses. Nominations for their fifth season are open until October 22. I encourage everyone to nominate Bellbrook. The link is on our Facebook page and has also been emailed to Council and a number of community members to nominate.

Regional Planning and Coordinating Commission of Greene County

651 Dayton-Xenia Road • Xenia, Ohio 45385-2699
Phone 937-562-7480 • Fax 937-562-7485



J. Devon Shoemaker, AICP, Executive Director
E-mail: dshoemaker@co.greene.oh.us

October 9, 2019

Member Jurisdictions

Greene County

Cities

Bellbrook
Fairborn

Villages

Clifton
Jamestown
Spring Valley
Yellow Springs

Townships

Bath
Beavercreek
Caesarscreek
Cedarville
Jefferson
Miami
New Jasper
Ross
Silvercreek
Spring Valley
Sugarcreek
Xenia

Subject: Countywide Trails Master Plan

Hello All,

As a result of the consensus reached at the June 24th meeting by the representatives of each community/township in Greene County, we were charged to move forward to develop a scope and obtain an estimate from a qualified vendor for the Countywide Trails Masterplan (CTM).


Greene County Parks & Trails (GCP&T) and Regional Planning (RPCC) received project estimates that totaled \$49,810. The project timeline was six months. A copy of the scope for the CTM will be sent via e-mail. We are writing this letter to discuss the funding of the CTM. GCP&T will allocate 60% of the project cost while RPCC will provide in kind service of staff time to schedule meetings and to attend steering committee and technical meetings. We would like all the communities/townships to be partners in the project and share ownership of the plan. To that end, we would ask that each community/township consider committing \$1250 in the first quarter of 2020 to the project. We understand that budgets are tight and that this comes toward the end of the year and wanted to give you all the chance to address this in your 2020 budgets. If this amount is not possible, please let us know.

Please provide GCP&T and RPCC a response with your commitment for the project by November 8, 2019. This will allow us enough time to evaluate a course of action, based on the response, and to finalize a contract for the project.

Our goal would be to begin preliminary work in early 2020 with a completion date by the end of June or early July. This will allow us to coordinate public input workshops with the Land Use Plan update to save time, money, and resources. These workshops will tentatively begin in March.

We trust you are all still interested in being a part of this project.


Jon Dohney
Director, Greene County Parks and Trails


J. Devon Shoemaker
Director, RPCC

Scope of Services – Greene County Master Trails Plan

Draft: September 4, 2019

The following project scope of services provides a detailed explanation for the methods, services, requirements, and deliverables Toole Design will provide for the completion of the Greene County Master Trails Plan (MTP). For additional project background please reference the Greene County Master Trails Plan Scope of Work Draft.

Objective

As represented in Greene County Master Trails Plan Scope of Work Draft provided by Greene County Parks and Trails and the Regional Planning and Coordinating Commission of Greene County (RPCC) the MTP is an important part of Vision 2040, a comprehensive planning strategy for Greene County, Ohio. The MTP is an essential planning document focusing on active transportation issues such as a vision for bike and pedestrian pathways to improve safety, connectivity, and economic vibrancy. The MTP should be synergistic with local plans, MVRPC's regional plans, and the state bikeway plan. It will at minimum use the following plan organization: Introduction, Vision and Goals, Existing Conditions, Recommendations, and Implementation.

MTP Oversight

Greene County Parks and Trails will oversee the entire project. The RPCC and MVRPC will provide space for meetings, facilitate the project, provide mapping aid when needed, and provide overall guidance to and management of Toole Design.

The following tasks will be completed to create the Greene County MTP:

Task 1: MTP Project Management

Task 1.1: Establish MTP Oversight Committee and Technical Advisory Committee (TAC)

Greene County Parks and Trails along with municipal and township partners will each appoint a person and an alternate to the MTP Oversight Committee. The MTP Oversight Committee will listen to public feedback; consider advice from the Technical Advisory Committee, and Toole Design to make plan recommendations.

The Technical Advisory Committee will consist of the County Engineer, Greene County Parks and Trails, RPCC staff appointee, MVRPC staff appointee, rails to trails representative, ODOT, and ODNR, and Toole Design. The purpose of the technical advisory committee is to provide Toole Design with information and guidance necessary for the consultant to perform the scope of work, and to review potential projects for feasibility and make recommendations to the Oversight Committee.

Greene County Parks and Trails and RPCC will be responsible for coordinating the creation of the Oversight Committee and Technical Advisory Committee. RPCC will also schedule meetings and secure accommodations when meeting space is needed. Oversight and Technical Advisory Committee meetings should be scheduled on the same day if possible.

Task 1.1 Deliverables

Oversight Committee Meetings

- Facilitation of up to three (kickoff, pre-engagement, post-recommendations) meetings including providing meeting agendas and notes

Technical Advisory Committee Meetings

- Facilitations of up to three (kickoff, pre-engagement, post-recommendations) meetings including providing meeting agendas and notes

Task 1.2: Project Management

Toole Design will initiate and conduct regularly scheduled coordination and status meetings with RPCC and MVRPC, including preparation of all associated meeting materials, follow-up on meeting outcomes, and ensuring quality control. Toole Design will prepare and provide meeting schedules, meeting agendas, meeting minutes, evaluations of comments and suggestions, and progress reports. At the kickoff meeting Toole Design and RPCC will discuss and establish a project schedule, major deliverables, and a communication process.

Toole Design will send monthly progress reports, including updates on project work completed and anticipated work. Toole Design will provide project oversight, including monitoring the budget, general QAQC, and non-task specific communications with Greene County Parks and Trails and RPCC as needed during the project.

Task 1.2 Deliverables

- Facilitation of monthly check-in meetings including scheduling meetings, and providing meeting agendas and notes
- Monthly progress reports

Task 2: Public Outreach

Task 2.1 – Web Presence

Toole Design will coordinate with Greene County Parks and Trails and RPCC to utilize its websites to provide the public with regular status updates and project information. Greene County Parks and Trails and RPCC will be responsible for posting and monitoring content on the County and RPCC websites including addressing public questions.

Content for a brief online survey will be crafted by Toole Design. The survey will focus on gathering preliminary input from the public, such as MTP goals and understanding the existing network challenges and opportunities. RPCC and/or Greene County Parks and Trails will post and monitor the survey as well as advertise the survey to the public. RPCC and/or Greene County Parks and Trails will

provide Toole Design the survey results for analysis. Greene County Parks and Trails and/or RPCC will provide one set of consolidated comments for Toole Design to revise the draft survey analysis and summary memorandum and produce the final memorandum.

Task 2.1 Deliverables

- Content for one brief online survey with up to 10 questions
- Draft and final survey analysis and summary memorandum (up to four pages)
- Up to three project status updates and supporting project information to be posted to the website

Task 2.2 – Public Workshops

Toole Design will plan and work with Greene County Parks and Trails, RPCC, and the Oversight Committee to facilitate one full day workshop. The full day workshop will be informational and interactive and focus on goal setting, visioning, and understanding the existing network challenges and opportunities. There will be three meetings with three different audiences as part of the full day workshop: Technical Advisory Committee, Oversight Committee, and general public. Toole Design will also facilitate one workshop to present the draft plan for public review and comment. Subsequent workshop(s) may be combined with the RPCC's Land Use Plan meetings and will be led by the Oversight Committee or staff and volunteers. Toole Design will develop a workshop template to guide the facilitation of these meetings. Toole Design may utilize mapping skills of MVRPC and RPCC to aid with presentation materials. Toole Design will work with staff on developing display boards, handouts, questionnaires, sign-in sheets, agendas etc.

RPCC will schedule, provide meeting accommodations, and advertise all workshops and/or meetings. RPCC and/or Greene County Parks and Trails will print all workshop materials, such as display boards, handouts, surveys, sign-in sheets, and agendas.

Task 2.2 Deliverables

Full Day Workshop

- Facilitation of workshop including developing materials such as display boards, handouts, surveys, sign-in sheets, and agendas
- Meeting notes and summary of input from community

Draft Plan Workshop

- Facilitation of a workshop to present the draft plan including developing materials such as display boards, handouts, surveys, sign-in sheets, and agendas
- Meeting notes and summary of input from community

Workshop Template

- Workshop template for meetings led by Oversight Committee or staff and volunteers

Task 3: Goals and Objectives and Best Practices

Task 3.1 – Preparation of Goals and Objectives

In the kickoff meetings with the Oversight and Technical Advisory Committees, Toole Design will discuss desired goals and objectives. Based on these discussions and other relevant local, regional, and state plans provided by Greene County Parks and Trails and/or RPCC, Toole Design will draft project goals and objectives. Greene County Parks and Trails and/or RPCC will provide one set of consolidated comments for Toole Design to revise the draft goals and objectives memorandum and produce the final memorandum.

Task 3.1 Deliverables

- Draft and final goals and objectives memorandum (up to two pages)

Task 3.2 – Active Transportation Best Practices

Toole Design will review existing active transportation and complete streets plans in Greene County and the region and develop an active transportation reference section for the plan. Toole Design will also develop a summary of current national best practices for integrating active transportation and complete streets plans into trail development, trail upgrades, and connectivity.

RPCC and/or Greene County Parks and Trails will provide all existing Greene County active transportation and complete streets plans to be reviewed and included in the memorandum summary by Toole Design. In addition, Greene County Parks and Trails and/or RPCC will provide one set of consolidated comments for Toole Design to revise the draft memorandum and produce the final memorandum.

Task 3.2 Deliverables

- Draft and final memorandum (up to six pages) including the following components:
 - » summary of existing active transportation and complete streets plans in Greene County
 - » current best practices for active transportation and complete streets

Task 4: Network Recommendations

Task 4.1 – Existing Conditions Review

Toole Design with heavy collaboration with MVRPC and RPCC will develop an existing conditions map and description of current inventory using all available resources by reference and by description where appropriate. Greene County Parks and Trails and/or RPCC will provide one set of consolidated comments for Toole Design to revise the existing conditions map and produce the final map. It is assumed there will be no field inventory needed to create the existing conditions map.

Greene County Parks and Trails and/or RPCC will provide all current and available related data such as trails and important community destinations (such as businesses, commercial centers, schools, etc.) to create the existing conditions map.

Task 4.1 Deliverables

- Draft and final existing conditions map

Task 4.2 – Proposed Trail Network

Toole Design will coordinate with MVRPC and RPCC to produce a proposed trail network map along with descriptions of each proposed project. The recommendations will build upon the groundwork already completed by Greene County Parks and Trails and RPCC and will incorporate public input, Oversight Committee recommendations, feasibility, and respond to local, regional, and state trail plans. Where possible, trails should serve to connect neighborhoods to businesses and commercial centers, and to schools. Greene County Parks and Trails and/or RPCC will provide one set of consolidated comments for Toole Design to revise the proposed trail network map and produce the final map.

Task 4.2 Deliverables

- Draft and final proposed trail network map

Task 4.3 – Project Prioritization

In the second Oversight and Technical Advisory Committee meetings, Toole Design will discuss the potential prioritization methodology and determine prioritization factors to rank the entire network. The prioritization matrix could include factors such as stakeholder input, safety, existing conditions, connectivity, equity, and funding sources. The ability to simultaneously build additional public infrastructure such as water and sewer or broadband or other utilities should greatly increase project value and prioritization.

Task 4.3 Deliverables

- Project prioritization matrix
- Project list organized by priority

Task 4.4 – Recommendations to Improve Bicycle and Pedestrian Education

Toole Design will recommend programs to promote the use of these facilities, and to improve safety, such as bicycle safety classes and trail etiquette. Greene County Parks and Trails and/or RPCC will provide one set of consolidated comments for Toole Design to revise the memorandum and produce the final memorandum of recommended programs.

Task 4.4 Deliverables

- Draft and final memorandum of recommended programs that support and promote active transportation (up to two pages)

Task 4.5 – Recommendations to Achieve Higher Economic Return to the Community

Trails have proven economic benefits for the host communities. Toole Design will work with the Oversight Committee to develop recommendations to maximize the economic benefit of public and private investments in the trail network. Greene County Parks and Trails and/or RPCC will provide one set of consolidated comments for Toole Design to revise the memorandum and produce the final memorandum.

Task 4.5 Deliverables

- Draft and final memorandum explaining the economic benefits of trails and recommendations to maximize investment into the network (up to two pages)

Task 5: Implementation Plan

Task 5.1 – Highest Priority Project(s) Descriptions, Conceptualization and Cost Estimates

Toole Design will provide typical design sections for a segment of the trail and prepare conceptual design rendering(s) for up to two of the highest ranked project(s) accompanied by planning level lifecycle cost (construction cost + maintenance cost). These projects should be identified as short-term projects.

Task 5.1 Deliverables

- Typical design sections for a segment of the trail
- Conceptual design rendering(s) for up to two of the highest ranked project(s) accompanied by a planning level project lifecycle cost (construction cost + maintenance costs)

Task 5.2 – Identification of Funding Sources

Toole Design will prepare a funding matrix including funding sources by project and high-level information about funding sources, such as application process, due dates, and point of contact.

Task 5.2 Deliverables

- Funding sources matrix

Task 5.3 – Implementation Table

Toole Design will prepare an implementation table based on all the tasks above. The table will include all the projects listed with columns such as priority, possible funding source(s), and implementation (e.g. short-term, mid-term, or long-term).

Task 5.3 Deliverables

- Implementation table

Task 6: Maintenance Plan for Prioritized Projects

Task 6.1 – Develop a Maintenance Plan

Toole Design will prepare a sustainable maintenance section of the plan based on national best practices. This section will guide the maintenance of existing inventories and investments in new trails and include elements, such as cost estimates for routine maintenance for trail surfaces, structures, mowing, plantings, bridges, underpasses, crosswalks, snow removal and a recommended maintenance schedule. Greene County Parks and Trails and/or RPCC will provide one set of consolidated comments for Toole Design to revise the maintenance memorandum and produce the final memorandum.

Task 6 Deliverables

- Draft and final sustainable maintenance memorandum (up to twelve pages)

Task 7: Public Hearing

Toole Design will present the final report in a public hearing led by the Parks and Trails Board and RPCC. RPCC will advertise and invite the public to the hearing.

Task 7 Deliverables

- Attendance and presentation of final report at one public hearing

Task 8: Draft and Final MTP

Toole Design will produce one draft plan to be reviewed by Greene County Parks and Trails and RPCC. Greene County Parks and Trails and/or RPCC will provide one set of consolidated comments for Toole Design to revise the plan and produce the final MTP. The final MTP report will be submitted in PDF format to be easily printed and source files will be provided.

Task 8 Deliverables

- Draft MTP (PDF format)
- Final MTP (PDF format)

PROPOSAL COST SUMMARY

C/R/S : Greene County MTP

PID NO.:

Overhead Percentage = 163.31%
 Avg. Overhead Percentage= 156.68% (Net Fee Calc)
 Net Fee Percentage = 11.00%

CONSULTANT: Toole Design Group

DATE: 9/4/2019

Cost of Money = 0.14%

Step - Description	Hourly Rate	Total Hours	Labor Costs	Overhead Costs	Cost of Money	Direct Costs	Subcon. Costs	Net Fee	Total Cost
1.0 MTP Project Management	\$51.53	38	\$1,958	\$3,198	\$3	\$300	\$0	\$553	\$6,012
2.0 Public Outreach	\$48.88	50	\$2,444	\$3,991	\$3	\$200	\$0	\$690	\$7,328
3.0 Goals and Objectives and Best Practices	\$42.12	34	\$1,432	\$2,339	\$2	\$0	\$0	\$404	\$4,177
4.0 Network Recommendations	\$39.90	82	\$3,272	\$5,344	\$5	\$0	\$0	\$924	\$9,545
5.0 Implementation Plan	\$39.58	66	\$2,612	\$4,266	\$4	\$0	\$0	\$737	\$7,619
6.0 Maintenance Plan for Prioritized Projects	\$40.44	50	\$2,022	\$3,302	\$3	\$0	\$0	\$571	\$5,898
7.0 Public Hearing	\$46.00	13	\$598	\$977	\$1	\$100	\$0	\$169	\$1,845
8.0 Draft and Final Plan	\$42.20	60	\$2,532	\$4,135	\$4	\$0	\$0	\$715	\$7,386
TOTAL	\$42.93	393	\$16,870	\$27,552	\$25	\$600	\$0	\$4,763	\$49,810

**DETAILED BREAKDOWN OF PROPOSED TOTAL HOURS,
PERSONNEL CATEGORIES, AND LABOR RATES**

C/R/S : Greene County MTP
 PID NO.: 0
 CONSULTANT: Toole Design Group
 DATE: 9/4/2019

HOURLY RATES	
<u>Personnel Category</u>	<u>Salary Rate</u>
P4	\$70.00
P2	\$43.00
P1	\$36.00
E1	\$35.00
Intern	\$20.00

HOURS BY PERSONNEL CATEGORY

	P4	P2	P1	E1	Intern	Total Hours	Labor Costs
1.0 MTP Project Management	12	26	0	0	0	38	\$1,958
2.0 Public Outreach	14	24	12	0	0	50	\$2,444
3.0 Goals and Objectives and Best Practices	2	20	12	0	0	34	\$1,432
4.0 Network Recommendations	2	36	44	0	0	82	\$3,272
5.0 Implementation Plan	2	24	40	0	0	66	\$2,612
6.0 Maintenance Plan for Prioritized Projects	2	22	26	0	0	50	\$2,022
7.0 Public Hearing	3	4	6	0	0	13	\$598
8.0 Draft and Final Plan	6	24	30	0	0	60	\$2,532
TOTAL	43	180	170	0	0	393	\$16,870

DETAILED BREAKDOWN OF DIRECT COSTS

C/R/S : Greene County MTP
 PID NO.: 0
 CONSULTANT: Toole Design Group
 DATE: 9/4/2019

	Travel	postage	photos, repro & mountings	misc.	Direct Costs
1.0 MTP Project Management	\$300	\$0	\$0	\$0	\$300
2.0 Public Outreach	\$200	\$0	\$0	\$0	\$200
3.0 Goals and Objectives and Best Practices	\$0	\$0	\$0	\$0	\$0
4.0 Network Recommendations	\$0	\$0	\$0	\$0	\$0
5.0 Implementation Plan	\$0	\$0	\$0	\$0	\$0
6.0 Maintenance Plan for Prioritized Projects	\$0	\$0	\$0	\$0	\$0
7.0 Public Hearing	\$100	\$0	\$0	\$0	\$100
8.0 Draft and Final Plan	\$0	\$0	\$0	\$0	\$0
TOTAL	\$600	\$0	\$0	\$0	\$600

Tasks	GREENE COUNTY DRAFT MTP TIMELINE																											
	MONTH 1				MONTH 2				MONTH 3				MONTH 4				MONTH 5				MONTH 6							
Task 1: MTP Project Management	On-going project management and check-in meetings																											
Task 2: Public Outreach			<i>kick-off</i>		<i>online survey</i>				<i>in-progress</i>																			<i>final</i>
Task 3: Goals and Objectives and Best Practices																												
Task 4: Network Recommendations																												
Task 5: Implementation Plan																												
Task 6: Maintenance Plan for Prioritized Projects																												
Task 7: Public Hearing																												
Task 8: Draft and Final Plan																												