

BELLBROOK CITY COUNCIL AGENDA
February 8, 2021



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

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www.cityofbellbrook.org

REMOTE TELECONFERENCE MEETING**

Due to COVID-19, this meeting will be held via Zoom webinar teleconferencing. Live streaming of the meeting is available on the City's YouTube channel (Bellbrook City Hall).

Should any member of the public wish to speak they may do so by logging in to Zoom as an attendee following links at the end of this agenda. You may also submit comments by emailing the Clerk of Council at p.timmons@cityofbellbrook.org by 3 p.m. on 2/8/2021.

6:15 pm – Work Session – Capital Improvements

7:00 pm-Regular Meeting

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of the minutes of the January 11 work session and regular meeting January 25, 2021
5. Mayor's Announcements and Special Guest
 - Proclamation designating February 2021 Black African American History Month
 - Service Department Annual Report
6. Public Hearing of Ordinances
7. Introduction of Ordinances
8. Resolutions
 - **Resolution 2021-E** A Resolution Authorizing the City Manager to Enter into an Agreement with the Sable Ridge Owner's Association for Gate Maintenance
 - **Resolution 2021-F** A Resolution Approving the Amended Agreement and Bylaws of the Miami Valley Risk Management Association (MVRMA)
9. Old Business
10. New Business
11. City Manager Report
12. Committee Reports
 - A. Service
 - B. Safety
 - C. Finance/Audit
 - D. Community Affairs

13. Clerk's Update: Monthly Board Update
14. Open Discussion
15. Public Comment
16. **Executive Session** – For the purpose of considering the employment and compensation of a public employee.
17. **Adjournment**

Zoom Meeting Information:

<https://us02web.zoom.us/j/81395864381?pwd=VVZOQVIVQS9GMk96YVJzdWx3ZzlyQT09>

Webinar ID: 813 9586 4381

Passcode: 187291

Telephone: (312) 626-6799

Future Agenda Items

- Feb 22nd
 - Work Session - CIC Follow up
 - Police Department Annual Report
- March 8th
 - Fire Department Annual Report
 - High level goals update and summary
- Legislative Items:
 - Legislation to be considered from Planning Board
 - Vacancy Registration Requirements
 - 18.20(B) – Sign Code
 - Article 14
 - RV and Commercial Vehicle update

Project Description		2021	2022	2023	2024	2025	TOTALS
STREET FUND							
V&E	Street Sweeper (50% of total)		\$ 45,500	\$ 87,500			\$ 87,500
V&E	Backhoe Replacement (35% of total)						\$ 45,500
V&E	Utility Vehicle with plow (35% of total)			\$ 8,750			\$ 8,750
V&E	One ton dump with snow removal equipment (35% of total)					\$ 29,750	\$ 29,750
	TOTAL STREET FUND	\$ -	\$ 45,500	\$ 96,250	\$ -	\$ 29,750	\$ 171,500
CAPITAL IMPROVEMENT FUND							
12 Administration							
V&E	Police, Fire & Admin Workstations	\$ 7,000	\$ 15,000	\$ 12,000	\$ 15,000	\$ 7,000	\$ 56,000
V&E	Fuel System Upgrade		\$ 1,500				\$ 1,500
	Total Administration	\$ 7,000	\$ 16,500	\$ 12,000	\$ 15,000	\$ 7,000	\$ 57,500
21 Service							
I&F	Annual Street Repair	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000	\$ 750,000
I&F	Annual culvert relining (Crescent Ct in 2020)	\$ 30,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 230,000
I&F	Franklin Street Pedestrian Improvements		\$ 235,000				\$ 235,000
I&F	Downtown street lighting project - 4 phases	\$ 65,000	\$ 65,000	\$ 65,000	\$ 65,000		\$ 260,000
I&F	Crosswalk installations (725, Main and Little Sugarcreek)	\$ 25,000	\$ 25,000	\$ 25,000			\$ 75,000
V&E	Street Sweeper (50% of total)			\$ 87,500			\$ 87,500
V&E	Utility Vehicle with plow (35% of total)			\$ 8,750			\$ 8,750
	Total Service	\$ 270,000	\$ 525,000	\$ 386,250	\$ 265,000	\$ 200,000	\$ 1,646,250
Project Description							
23 Police							
V&E	Cruisers	\$ 66,000		\$ 68,000			\$ 134,000
V&E	Equipment for Cruisers	\$ 33,000		\$ 35,000			\$ 68,000
V&E	Weapons (guns and tasers)	\$ 8,000	\$ 2,000	\$ 5,000	\$ 10,000	\$ 2,000	\$ 27,000
V&E	Portable & Mobile Radios	\$ 6,000	\$ 6,000		\$ 10,000		\$ 22,000
V&E	Speed Monitoring Equipment	\$ 2,500	\$ 2,500			\$ 2,500	\$ 7,500
V&E	Furniture & Fixes	\$ 2,500	\$ 1,000	\$ 1,000	\$ 1,000		\$ 5,500
V&E	AED's		\$ 4,000				\$ 4,000
V&E	New records management software		\$ 8,000				\$ 8,000
	Total Police	\$ 118,000	\$ 23,500	\$ 109,000	\$ 23,500	\$ 2,000	\$ 276,000

25 Fire		2021	2022	2023	2024	2025	TOTALS
V&E	Command/Staff Vehicle		\$ 50,000				\$ 50,000
V&E	Cardiac Monitors		\$ 70,000				\$ 70,000
V&E	AED's		\$ 15,000				\$ 15,000
V&E	Self-loading cots		\$ 60,000				\$ 60,000
V&E	Portable and Mobile Radios	\$ 3,000	\$ 25,000	\$ 25,000			\$ 53,000
V&E	Furniture & Fixes	\$ 2,500					\$ 2,500
V&E	Replace Medic 21		\$ 200,000				\$ 200,000
V&E	Replace Medic 22			\$ 200,000			\$ 200,000
V&E	4 MDT's				\$ 25,000		\$ 25,000
V&E	Ladder/Engine			\$ 850,000			\$ 850,000
Total Fire		\$ 5,500	\$ 285,000	\$ 160,000	\$ 1,050,000	\$ 25,000	\$ 1,525,500
	I&F	\$ 150,000					
	V&E	\$ 250,500					

Project Description	2021	2022	2023	2024	2025	TOTALS
TOTAL CAPITAL IMPROVEMENT FUND	\$ 400,500	\$ 850,000	\$ 667,250	\$ 1,353,500		\$ 3,271,250

WATER FUND		2021	2022	2023	2024	2025	TOTALS
I&F	Fire Hydrant Replacement Program		\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 120,000
I&F	Bledsoe Drive Water Tower Exterior Painting	\$ 165,000					\$ 165,000
I&F	Well Related Projects	\$ 10,000					\$ 10,000
I&F	Beacon meter reading software upgrade	\$ 14,500					\$ 14,500
V&E	Backhoe Replacement (65% of total)		\$ 84,500				\$ 84,500
V&E	Pickup Truck				\$ 40,000		\$ 40,000
V&E	Utility Vehicle with plow (65% of total)			\$ 16,250			\$ 16,250
V&E	One ton dump with snow removal equipment (35% of total)				\$ 55,250		\$ 55,250

Future projects to be estimated: Fiber line to well field and water main replacement projects

TOTAL WATER FUND		2021	2022	2023	2024	2025	TOTALS
I&F		\$ 189,500	\$ 114,500	\$ 46,250	\$ 30,000	\$ 125,250	\$ 505,500
V&E		-					

TOTAL ALL FUNDS	\$ 590,000	\$ 1,010,000	\$ 809,750	\$ 1,383,500	\$ 155,000	\$ 3,948,250
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City of Bellbrook 2021 proposed 1 1/2" overlay - Actual \$80.00 per ton / \$1.75 per square yard milling

Street Name	Segment	B-Joints Cost per Street	Milling Cost per Street	Overlay Cost per Street	Total Cost Per Street
Cedar Court		\$0.00	\$0.00	\$5,586.48	\$5,586.48
Glenberry Circle		\$0.00	\$1,415.56	\$8,323.84	\$9,739.40
Kensington Drive	Curbed Glenberry	\$0.00	\$4,297.22	\$16,370.37	\$20,667.59
Kensington Drive	Tareyton to curbed section	\$0.00	\$0.00	\$25,555.56	\$25,555.56
North Field Drive	All	\$0.00	\$3,329.86	\$15,328.71	\$18,658.58
Plantation Trail	Bellemead to Moss Oak	\$0.00	\$5,736.11	\$22,466.67	\$28,202.78
Poston Drive		\$0.00	\$0.00	\$13,600.00	\$13,600.00
Sable Ridge Drive	All - Entrance	\$0.00	\$11,520.83	\$44,728.57	\$56,249.40
				Total Cost	\$178,259.78
				Grand Total with 6% Contingency	\$188,955.36

30 Capital Improvement Fund

			2018	2019	2020	2020	2020	2021	Additional Description
			Actual	Actual	Original Budget	Amended Budget	Actual 12/31/2020	Proposed Budget	
Beginning Fund Balance			\$ 936,909	\$ 891,958	\$ 835,330		\$ 835,330	\$ 693,998	
30	00	4213 License Tax-County Levied	-	-	-	-	-	-	-
30	00	4230 Federal Grant	-	-	-	-	-	-	-
30	00	4240 State Grant	-	-	-	-	-	-	-
30	00	4241 Ohio BWC Grant	-	-	-	-	-	-	-
30	00	4251 Community Development Block Grant	3,083	-	35,177	35,177	35,177	-	-
		<i>Intergovernmental</i>	3,083	-	35,177	35,177	35,177	-	-
30	00	4721 Asset Sale	29,250	-	-	-	-	-	-
30	00	4731 Miscellaneous Reimbursements	-	-	-	-	-	-	-
		<i>Miscellaneous</i>	29,250	-	-	-	-	-	-
30	00	4901 Transfer-in	250,000	250,000	250,000	597,600	597,600	350,000	-
		<i>Transfer-in</i>	250,000	250,000	250,000	597,600	597,600	350,000	-
Total Revenue			282,333	250,000	285,177	632,777	632,777	350,000	
<i>Administrative</i>									
30	12	5510 Infrastructure & Facilities	2,000	5,000	-	-	-	-	-
30	12	5520 Vehicles & Equipment	11,491	31,321	47,175	75,175	60,492	7,000	-
<i>Service</i>									
30	21	5510 Infrastructure & Facilities	163,801	123,441	246,000	643,600	549,723	270,000	-
30	21	5520 Vehicles & Equipment	-	28,902	-	25,655	25,655	-	-
<i>Police</i>									
30	23	5520 Vehicles & Equipment	93,131	1,040	38,500	38,500	16,876	118,000	-
<i>Fire</i>									
30	25	5510 Infrastructure & Facilities	17,809	36,999	25,000	25,000	15,986	-	-
30	25	5520 Vehicles & Equipment	39,052	79,923	112,000	112,000	105,378	5,500	-
		<i>Capital Outlay</i>	327,284	306,627	468,675	919,930	774,109	400,500	-
Total Expenses			327,284	306,627	468,675	919,930	774,109	400,500	
Ending Fund Balance			\$ 891,958	\$ 835,330			\$ 693,998	\$ 643,498	

RECORD OF PROCEEDINGS
Minutes of Bellbrook City Council Work Session
January 18, 2021

Due to the COVID-19 pandemic the January 18, 2021 City Council Work Session was conducted using Zoom's remote webinar platform.

PRESENT: Ernie Havens
TJ Hoke
David Van Veldhuizen
Forrest Greenwood
Elaine Middlestetter
Nick Edwards
Mayor Mike Schweller

ALSO PRESENT: City Manager Melissa Dodd

Mayor Schweller called the work session to order at 6:00 pm.

ROLL CALL

Mr. Hoke, yes; Mr. Havens, yes; Dr. Van Veldhuizen, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Deputy Mayor Edwards, yes.

INTRODUCTION

2:17 Mayor Schweller began by explaining that this work session was scheduled for Council to come together and decide on the goals and direction that Council and City staff should aim to work on in 2021. The City Manager will be the point person on a lot of the items. The agenda was designed to align with the Council Committees. This will allow some oversight of individual goals and give Mrs. Dodd a go-to group of people when questions arise, or decisions are needed. If appropriate, a timeline for individual goals can be set with the knowledge that the ongoing COVID-19 pandemic may make changes necessary.

*Note: These minutes have been prepared and organized to follow the agenda instead of a chronological record of discussions. ORC 121.22(C) A public body must keep full and accurate minutes of its meetings, but those minutes do not have to be an exact transcript of every word said. Minutes must be promptly prepared, filed, and made available for public inspection.

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GOAL ESTABLISHMENT

1. General

8:52 Mr. Hoke asked about how items from the Downtown Improvement section or that were included in the packet gantt chart will be addressed. He also asked if there are specific capital improvement projects that need to be highlighted but might not fall under one of the Goal categories. **9:45** Mayor Schweller answered that the capital improvements are already going to be included in an upcoming meeting, but **if** we find something that hasn't been included we can add it. **11:10** Mrs. Dodd answered that she created the gantt chart using the Comprehensive Plan and it is reviewed by staff and the Planning Board about every six months.

17:19 Mr. Havens stated that he felt that community engagement needed to be on the list of goals so that those items don't get forgotten. He would add the Farmers Market, the 10k Run, and participating in other community organized events. **18:10** Mayor Schweller answered that they had talked about community engagement but had left it off the list because those things are part of the ongoing expectations. **19:32** Mrs. Middlestetter opined that community engagement items will continue to be limited due to the pandemic. **20:06** Mr. Edwards added that community engagement has been an area where the City Manager has excelled and enjoys so there isn't really a need to make this a goal.

20:56 Mr. Havens apologized because he thought the goals were for the City Manager. **20:48** Mayor Schweller reiterated his opening statement that the work session was for goals for the city which does include the City Manager but also Council. **22:11** Mr. Havens still contended that community engagement should be a goal considering we will be coming out of the pandemic and there has been a year off from events. **22:51** Mrs. Middlestetter explained that goals were for items that are not already part of the expected functions. **23:30** Mr. Havens clarified that he didn't mean things that are already in place but to foster and encourage more things like them. **24:22** Mr. Edwards opined that anytime a Council member identifies a new item it should be brought up. If we make it a goal, then we are accountable for making things happen that we don't necessarily have control over.

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He would like to have Mrs. Dodd provide an update on the progress of the goals in early March so that council keeps its focus.

- a. **6:06 Ongoing pandemic - continue to monitor coronavirus and its impact on city finances, employees and infrastructure**
- b. **Updates to Zoning Code**
- c. **Updates to Property Maintenance Code**

50:14 Mr. Havens asked about the progress on the code updates. He stated that he has not seen that the city is doing a good job with enforcing the codes. He would like to add **d. Enforcement of Zoning and Property Maintenance Codes**. He does not want to see the city letting things go as they have done for years and can give example after example. He wants it to be a goal and made a priority. **52:23** Mr. Hoke pointed to a trend in downtown of erosion. **52:50** Mrs. Middlestetter and **53:08** + **72:59** Mr. Edwards pointed out that it is important to have our codes up-to-date and correct before we can enforce them or we could again end up in court when enforcing them. Council did agree that the codes that have been put in place are good **and** the City needs to enforce **them**.

53:14 Mr. Havens stated that sidewalk maintenance codes were put into place 15 months ago and nothing has been done to uphold them. He added that he thinks every sidewalk square in downtown is in violation. **54:00** Mr. Edwards responded that this is a financial issue that affects businesses of which Mr. Havens has stated he wants to help. Mr. Edwards believes the city needs to be sensitive especially this year with the impacts of the pandemic. The **54:46** City Manager explained that just last week letters went out to all downtown property owners that within the next few months the city will perform an inspection of the sidewalks. **55:44** Mr. Havens stated that he could supply names of contractors who could do the repair work. It was agreed that a list should be compiled to assist in this repair work. **58:06** Mr. Greenwood added that dead or fallen trees leaning on utility lines is another problem that our Code Official has not been able to get compliance from property owners.

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59:20 Mr. Havens commented that he thinks the Planning and Zoning Administrator was hired in December 2019. He thinks the review and updates to the Zoning and Property Maintenance codes should be complete well before the end of 2021 and then enforcement can become a priority. **79:11** The Mayor agreed and **60:29** Mr. Havens asked to put a date on when the code updates would be complete. **60:59** Mrs. Dodd and **61:16** Clerk Pamela Timmons explained the lengthy process involved in reviewing and updating code. Code in need of review is first reviewed by staff for glaring issues and inconsistencies. Then it goes to the appropriate board for initial review. The Board review has no set deadline and will take as much time as necessary for it to be approved. There might be a second Board that needs to then review it. After Board passage an Ordinance is written. Then it goes to the Municipal Attorney. Once he is satisfied the Ordinance goes through the Council process. A chart was created so that everyone could see where different parts of code stand at any time. **63:12** Dr. Van Veldhuizen appreciated the spreadsheet that shows the progress that is being made. **65:12** Mrs. Dodd said we can give regular updates to Council but it is not possible to put deadlines on the items. **65:33** Mrs. Middlestetter understands wanting these done but she appreciates the work of the city's small staff and the volunteers who give of their time and talents to do this critical work.

74:01 Mr. Havens said he has spoken with Mrs. Hansen the Code Official about particular code violations and she said that the city works on a complaint basis. An inspection is not done until a complaint is received. He said he didn't want to be the Council member who just sends in complaints but there are things in downtown that should have been dealt with a while ago. He supplied the example of an abandoned car parked next to the property that holds Grace and Love Cakes that hasn't been registered in two years and has a missing window. The vehicle blocks the view of the business sign. He was told that no complaint has been received. **76:54** Mr. Edwards explained that the city has limitations due to the size of the staff. Staff has been working very diligently on the codes in addition to their other responsibilities while also working remotely due to COVID-19. He believes steps are being taken but they are going to take time unless Council wants to consider

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hiring more people. It is also worth considering that if the city starts aggressively enforcing maintenance codes it could adversely affect the city's ability to attract businesses. 77:33 Mr. Hoke countered with the idea that for every voice that complains there are a thousand who don't speak up but want the work done. 51:50 Mr. Edwards answered that the city needs to put itself in the best position for moving forward. 78:07 Mrs. Middlestetter opined that there seems to be a large section of the city who does not want government telling them what to do. The 78:53 Mayor thinks we now have a good list and plan. He thanks the Boards whose work can be somewhat thankless but their work is vital.

2. Financial

a. Community Improvement Corporation – Establish and identify funding sources

80:48 Mayor Schweller pointed out that there will be a work session on this for an hour and a half on February 22 with a goal to have it set up by June. He thinks the most important consideration is the funding so that citizens do not think tax money is being used for this. 81:55 Mrs. Middlestetter added that Council needs to decide if it is necessary. 81:18 Mr. Hoke had spoken with some people at Greene County who can provide the paperwork coordination with the Greene County CIC. He doesn't know why they wouldn't want to pursue a CIC as it can be funded without tax dollars and will provide a return for the city. He does not want this postponed again because the city is decaying and if this trajectory is not changed there will be nothing left. Mr. Hoke added that there is light industrial and storage violations in downtown. 83:34 Mr. Havens added that Council needs to take action pointing to a body shop, a landscaping business, two general contractors, and a roofer in downtown which is against Bellbrook's Zoning Code. These properties can't just go to the highest bidder.

b. Future levy projections

33:11 Mr. Havens reported that he has heard several times that the city does not want to ask for a levy because the schools are trying to get one passed. The school's problem with passing a levy should not affect the city's need to request one since it could take the

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schools five years to pass one. 33:23 Mrs. Middlestetter explained that traditionally the city and the schools have not had levies on the same ballot. 33:57 Mr. Edwards agreed that in the past the city did not want to compete with the schools for taxpayer dollars but if there is a need for a city levy, we would definitely put it on a ballot regardless of what the school does. He added that it has not been needed in the past and worries that it could weaken the chances of either levy passing. 34:51 Mayor Schweller announced that the next planned city levy would be a renewal for the General Fund in November 2022. Everything else is continuous unless Council wishes to make Police and Fire self-sufficient. He added that if the city needed a levy, they would put it on the ballot.

3. Safety

a. Tornado Sirens

37:19 Mr. Havens stated that he would like to remove tornado sirens from the list as he believes that they are not needed because we already have a very effective system in place. Many cities have gone to alert systems and does not believe sirens are worth the expense. 37:54 Mr. Edwards agrees that technology has changed but added that every year there are citizens who request the city have emergency sirens. 40:50 Mayor Schweller sees both sides and added that a couple of years ago past Council Member Darryl McGill made a presentation on a low-cost option. He thinks the Council should reevaluate the information this year and make a decision. 41:50 Dr. Van Veldhuizen and 42:44 Mrs. Middlestetter agreed that since there is citizen interest Council should keep the item on our agenda until a determination is made. 43:34 Mr. Greenwood reported recently being in contact with Kurtis Benedict, the Emergency Management student who supplied Council with information. He is working on determining what would be necessary to adequately cover our residents and researching companies. He found a system for around \$50,000 using three sirens to cover Bellbrook. 46:02 Mr. Havens suggesting changing the goal to clarify that Council will assess the need for tornado sirens and the rest of Council agreed.

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b. Fire Department needs and future – possible consolidation of Stations 1 & 2, explore fire district possibilities

91:16 The timeline for this will be decided in conjunction with the new Fire Chief after he has gotten settled in sometime in the summer or fall.

4. Service

a. Little Sugarcreek Road – borings for solution and next steps

47:51 Mr. Edwards opined that this project should be a priority for 2021. It also ties in with other goals like safety, walkability, and downtown revitalization. We don't want to get caught in a position where the road washes away and the city has no plan. **48:24** Dr. Van Veldhuizen agreed that this one stands out to him as of vital importance. The **90:11** City Manager reported that the borings are the next step, and she has a quote for them.

b. Walkability

i. Downtown crosswalks

The **90:11** City Manager has estimates for these.

ii. Sidewalk connections

15:54 Mr. Hoke asked if the Franklin Bridge sidewalk would be considered a goal or a capital budget item. **16:22** Mrs. Dodd said that would be goal in 2023 since it is a big project that requires management. There is some preliminary engineering taking place now, but the actual construction project won't begin for another couple of years.

5. Community Affairs

a. Downtown Improvements

i. Truck route

89:14 Mayor Schweller volunteered to talk with Ernst Construction and Tom's Mulch to give them notice that this is being considered. Mrs. Dodd has started working on the rest of it.

ii. Streetscape design and implementation

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This will be an ongoing item. 90:11 Mrs. Dodd is going to do an RFP for design and implementation to get an idea of cost.

iii. Mast arms for the traffic light at Franklin and Main Streets, underground utilities

10:30 Mr. Hoke recalls that having the downtown utilities run underground was included in long range discussions and he believes that it would be a good thing for the downtown aesthetically. 15:02 The Mayor agreed and said that underground utilities would be included in 5.a.ii. Streetscape design. 12:20 The City Manager added that underground utilities are the property of DP&L and would be determined by them. 13:00 Mrs. Middlestetter added that she would someday like to have the utilities underground, it is a very expensive project and that future problems require digging them back up.

b. Reestablish the Quarterly Community Meetings

25:20 Mr. Hoke asked if an item under Community Affairs could be added that would bring together local organizations like the schools, the chamber, the township, and others. 27:50 Mrs. Middlestetter explained that this is being done by the Council members who are the liaisons to the community organizations. This brought up the Quarterly Community meetings that use to take place with those groups. The last one was in the fall of 2019. Then the pandemic halted any more of these. Council agreed that we should try to bring back these meetings. Item 5.b Reestablish the Quarterly Community Meetings will be added for this purpose.

29:24 Dr. Van Veldhuizen commented that he sees this goal similarly to the underground utilities in that the city has little control of completing the goal. We can invite the others to a meeting, but we have no way to make them follow through. Council agreed that they can reach out to the organizations and try to schedule these meetings. 30:26 Mr. Greenwood added that Mrs. Dodd is very involved in many community organizations and does work to ensure good communications. 31:49 Mr. Havens opined that he believes it should be a priority because he feels Council should be doing better.

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ADJOURNMENT

Mayor Schweller announced that there was no further business to come before the Bellbrook City Council and declared the work session adjourned at 8:20 PM.

Michael W. Schweller, Mayor

Pamela Timmons, Clerk of Council

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Minutes of Bellbrook City Council Regular Meeting
January 25, 2021

Due to the COVID-19 pandemic the January 25, 2021 City Council Meeting was conducted using Zoom's remote webinar platform.

PRESENT: TJ Hoke
Ernie Havens
David Van Veldhuizen
Forrest Greenwood
Elaine Middlestetter
Deputy Mayor Nick Edwards

ALSO PRESENT: City Manager Melissa Dodd

WORK SESSION – to approve the 2021 City Goals

Deputy Mayor Edwards called the work session to order at 6:30 PM. He explained that the purpose of the work session is to finalize the 2021 City Goals. The Goals included in the packet were updated after the Goal Setting work session on January 18, 2021.

Mrs. Middlestetter asked Mrs. Dodd for more information on number 5.a.ii Streetscape design. She expressed her desire that the existing potted plants to be incorporated. The pots were donated by the Garden Club and the evergreens were donated by the Lions Club. The City Manager explained that she wanted to put out an RFP tailored for Bellbrook. The city of Loveland put out an RFP in January and this was the basis for the one she is proposing for Bellbrook. The designers will look at what is existing and start from there focusing on the things we want to implement. Examples would be streetlights, additional street furniture, signage, and enhanced public spaces. Loveland's RFP was broken down into phases to align with financial projections. Mrs. Dodd added that she read in the Dayton Daily News about a new Greene County grant that might cover the expense of this development plan. Mrs. Dodd had been asked to speak about Greene County's grant programs and was part of the development of it. Having this plan in place could help the city attain future grants for the work since the plan shows we have done our due diligence. The Community Affairs Committee will be asked to look at the RFP and any proposed plans.

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The City Manager said she would be reaching out to the Service Committee during the week for initial discussion on the 4.b.i and ii Crosswalk and Sidewalk proposals. The goal is to position the city so that we could work to be awarded grants if possible, to cover the expense.

Mr. Greenwood said he felt like the Little Sugarcreek Road project should be a priority.

Mr. Havens stated that he thinks Council should put some timelines on some of the goals, so they do not get forgotten. He specifically pointed to 1.b and 1.c Code Updates. He stated that having an open-ended project is not a good way to manage. Dr. Van Veldhuizen said he would suggest regular or quarterly updates to Council. The update could also include a scope of the project and a better idea of completion.

Dr. Van Veldhuizen suggested receiving updates quarterly. Mr. Edwards added that there are lot of sizable goals on the list and staff has done a good job of managing projects. He does not want to see staff get so bogged down in meeting deadlines on so many goals that nothing gets done. Setting priorities makes more sense to him than arbitrary deadlines. Mr. Havens likened the process to building a house that due to the size of the project it must be managed. He suggested a Gantt chart with expectations, not deadlines. Mr. Edwards agreed and believed the quarterly updates will keep everyone up-to-date on progress and if a project is struggling it can be discussed and reevaluated.

Mr. Havens asked if goal 1.d. could be renamed from Property Maintenance Enforcement Plan to Code Enforcement Plan. Council agreed.

Council and the City Manager agreed to the updated list as the 2021 City Goals.

REGULAR MEETING

Deputy Mayor Edwards called the regular meeting to order at 7:00 pm.

ROLL CALL

Mr. Hoke, yes; Mr. Havens, yes; Dr. Van Veldhuizen, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mr. Edwards, yes.

Mrs. Middlestetter made a motion to excuse Mayor Schweller from the meeting. Mr. Havens seconded the motion. All were in agreement. The motion passed 6-0.

RECORD OF PROCEEDINGS
Minutes of Bellbrook City Council Regular Meeting
January 25, 2021

APPROVAL OF MINUTES

There being no changes to the minutes of the January 11 Council meeting Deputy Mayor Edwards approved them.

Mr. Havens stated that he believes corrections are needed to the minutes of the work session of January 18 but there would not be enough time to go through them all at this meeting. Mr. Edwards stated that changes to intent or wording should be made at the next public meeting when all members can discuss them. Dr. Van Veldhuizen said he could go back through the minutes, but he had seen no significant errors. Mr. Havens replied that in the past when a Council member wants changes to the minutes they send those to the Clerk. He added that he typically reads the minutes on the day of the meeting and in this case found a lot of items he thinks should be changed. Mr. Edwards agreed that typographical errors are normally pointed out to the Clerk who makes the correction. In this case it sounds like more extensive changes are being requested. The Clerk was asked how the minutes are prepared. Mrs. Timmons explained that the minutes are prepared using the video recording, the closed captioning, and her notes. Minutes are not a verbatim record of the meeting. The purpose of minutes is to summarize and include enough information that the rationale behind decisions can be understood. She also added that the minutes of the work session were not prepared like regular meeting minutes that are linear and follow the timeline of the meeting. The work session was different, and a linear record made decisions unclear. The minutes of this meeting were reorganized to put all discussions about a topic together. Mr. Edwards added that the video of the meeting is available on the website for the public's inspection. Mr. Havens made a motion to table the approval of those minutes and Mr. Hoke seconded it. The Clerk called the roll. Mr. Havens, yes; Mr. Hoke, yes; Dr. Van Veldhuizen, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Deputy Mayor, yes. The motion to table the minutes of January 18 until February 8 passed 6-0.

MAYOR'S ANNOUNCEMENTS

The Deputy Mayor expressed his condolences to Mr. Hoke on the passing of his father.

PUBLIC HEARING OF ORDINANCES

RECORD OF PROCEEDINGS

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Mrs. Middlestetter read **Ordinance 2021-1 An Ordinance Amending Zoning Code Section 20.08 “Proceedings of the Board of Zoning Appeals” of the Bellbrook Zoning Code.**

The City Manager explained that the change will require oaths be administered by the chairperson or vice chair of the Board of Zoning Appeals and this was reviewed and approved by city attorney Steven McHugh.

Mr. Havens asked again if the City’s attorney was clear that the BZA is a semi-judicial board. Mrs. Dodd answered that Mr. McHugh is aware of the semi-judicial status of the BZA as every city has one.

Mrs. Middlestetter made a motion to adopt **Ordinance 2021-1 An Ordinance Amending Zoning Code Section 20.08 “Proceedings of the Board of Zoning Appeals” of the Bellbrook Zoning Code.** Dr. Van Veldhuizen seconded the motion. The Clerk called the roll. Mrs. Middlestetter, yes; Dr. Van Veldhuizen, yes; Mr. Hoke, yes; Mr. Havens, yes; Mr. Greenwood, yes; Deputy Mayor Edwards, yes. The motion passed 6-0.

Dr. Van Veldhuizen read **Ordinance 2021-2 An Ordinance Repealing Old Chapter 1244, “Zoning Permits and Certificates” of the Bellbrook Municipal Code and Enacting New Chapter 1244 “Zoning Permits and Certificates” of the Bellbrook Municipal Code.**

Mrs. Dodd stated that the comparison that was used is attached in the packet. Planning Board approved the new fee schedule. After the discussion at the introduction the Ordinance was updated to have an effective date of July 1, 2021.

Mr. Havens added that the fees are still less than those of Sugarcreek Township.

Mr. Greenwood stated that some seem punitive, but he feels it is important to encourage residents to improve their properties. The updated fees are better able to cover the costs.

Dr. Van Veldhuizen made a motion to adopt **Ordinance 2021-2 An Ordinance Repealing Old Chapter 1244, “Zoning Permits and Certificates” of the Bellbrook Municipal Code and Enacting New Chapter 1244 “Zoning Permits and Certificates” of the Bellbrook Municipal Code to be effective July 1, 2021.**

Mrs. Middlestetter seconded the motion. The Clerk called the roll. Dr. Van Veldhuizen, yes; Mrs. Middlestetter, yes; Mr. Hoke, yes; Mr. Havens, yes; Mr. Greenwood, yes; Mr. Edwards, yes. The motion passed 6-0.

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INTRODUCTION OF ORDINANCES - none

RESOLUTIONS

Mr. Hoke read **Resolution 2021-C A Resolution Approving the Amended Solid Waste Management Plan of the Greene County Solid Waste Management District.**

Dana Doll, Manager of Greene County Environmental Services, and Randy Gilbert, Assistant Director of Sanitary Engineering of the Greene County Waste Management District presented an overview of the new solid waste management plan. Per Ohio Revised Code the solid waste management plan must be updated every 15 years to the prescribed format 4.0 from the Ohio EPA. The new format was created to be more user-friendly and begins in 2021. Even though the plan must be updated every 15 years, it is reviewed every five years to ensure compliance. The focus is recycling and outreach programs.

Mrs. Doll explained that the Recycling Goals include residential/commercial and industrial. The rate in the county is 31% while the minimum required is 25%. The state average is 29% meaning Greene County exceeds even the state average. The industrial recycling goal is 66% for the state while ours is 80%. The generation fee will remain at \$10 per ton.

The Recycling Complex includes a household drop-off program and yard waste. There are also scheduled events for special materials such as household hazardous waste at least once a month. The new component is Outreach and Education that begins with adding a Public Information Officer and looking for opportunities to improve the curbside recycling program.

Mr. Hoke moved to adopt **Resolution 2021- C A Resolution Approving the Amended Solid Waste Management Plan of the Greene County Solid Waste Management District.** Mr. Greenwood seconded the motion. The Clerk called the roll. Mr. Hoke, yes; Mr. Greenwood, yes; Mr. Havens, yes; Dr. Van Veldhuizen, yes; Mrs. Middlestetter, yes; Deputy Mayor Edwards, yes. The motion passed 6-0.

Mr. Havens read **Resolution 2021-D A Resolution Designating a Public Depositor (KeyBank National Association) of Active and Interim Deposits of the City of Bellbrook.**

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Mr. Edwards recused himself from the discussion due to his affiliation with KeyBank.

City Manager Dodd stated that this is a renewal of the city's agreement with KeyBank for another five years.

Mr. Hoke asked what the requirements are for requiring a competitive bid process. Mrs. Dodd said that although she has reviewed this in the past she would have to look up the specifics on the requirement before making a statement.

Mr. Havens asked if the city was charged per check which might make it prudent to look into other bank's services.

Mrs. Dodd answered that the contract was reviewed with the KeyBank representative a couple of month ago.

Mr. Havens asked how a vote can be taken on this legislation if there are still questions involving the laws concerning competitive bidding.

Mr. Hoke said he had read Ohio Revised Code 435.10 stating it is legal for the city to enter into this contract. He clarified that he was just curious what the trigger is for competitive bidding. Mrs. Dodd stated that the city's bank fees are less than \$400.00 per month so the total would be less than the \$50,000 limit. The only way a bid would be required would be if the state made it a condition for banking accounts which it does not according to her experience.

Mrs. Middlestetter stated she is comfortable with the agreement. She made a motion to adopt **Resolution 2021-D A Resolution Designating a Public Depositor (KeyBank National Association) of Active and Interim Deposits of the City of Bellbrook.** Mr. Hoke seconded the motion. The Clerk called the roll. Mrs. Middlestetter, yes; Mr. Hoke, yes; Mr. Havens, yes; Dr. Van Veldhuizen, yes; Mr. Greenwood, yes; Deputy Mayor Edwards, abstain. The motion passed 5-0.

OLD BUSINESS - none

NEW BUSINESS - none

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COMMITTEE REPORTS

Service – Mr. Greenwood explained the Ohio EPA PFAS testing of the city’s water supply. There are no national standards, but Governor DeWine has created an action plan. The EPA tested 1,550 public water systems and 6% of those systems showed PFAS. Bellbrook’s water system is one of the 6%. But the level we tested at is very low and not a concern. Ohio is one of the few states doing PFAS testing.

Safety – Mr. Hoke warned residents of an issue in the crime report. Be careful when discarding unsolicited mail from USBank. Your bank could be sending you a debit card for your unemployment benefits. Criminals are filing unemployment claims using fraudulent names. If you receive an unsolicited debit card from USBank call the number listed on the mailing. You can also file a claim at Identitytheft.gov.

Finance – Mr. Edwards presented the fourth quarter financials which are very good especially considering the effects of COVID-19 on the city’s finances.

Mrs. Dodd explained that the information includes final fund balance changes. A few capital projects are pending which includes the software conversion and replacement weapons for the Police Department.

Mr. Edwards wanted to reassure the residents that Council is cognizant of how tax dollars are spent. It will remain important to watch expenditures. The capital improvement budget will be reviewed in February.

Community Affairs – Mrs. Middlestetter stated that the latest Historical Museum meeting information was included in the packet. She highlighted that the digitizing projects are almost done. They are looking into increasing the software license so that the public can access the records. The museum has acquired a late 1800s farm wagon. She also highlighted the many rotating exhibits planned for the year.

CITY MANAGER REPORT

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Mrs. Dodd explained that she has a new format for the City Manager Report. She removed the listing of the legislation since these are discussed as they are read in the meeting. Activities expounded upon include:

- All downtown property owners were sent a letter informing them about the city's sidewalk regulations. It explained that this spring/summer all downtown sidewalks will be assessed.
- Boards and Commissions activities will be included in a monthly report to Council.
- The next Council meetings will include presentations of the annual reports of the Service, Police, and Fire Departments. Mrs. Dodd added that she thought Council should also receive an annual report from Planning and Zoning. A written report could be provided, or Mrs. Hansen could present the report at a future meeting.
- The Planning Board approved the re-written Article 14 at its January meeting. It is now with the city attorney. It is a very long and intricate piece of legislation so we do not have a date we can expect to have it back.
- An E-newsletter was sent out this week with COVID-19 and vaccination information.
- The Sable Ridge gate agreement with the HOA is scheduled to be discussed at the next Council meeting. The gate was never added to the recorded plan. The signage and landscaping at the entrance to the subdivision are recorded as the responsibility of the HOA but the gate was never added. The city will continue to own it but the HOA will maintain it. The agreement has been being worked on for eight months and is finally ready for Council. The City Manager asked if Council would like a member of the HOA be part of the next meeting she could set that up.
- Community Development Block Grants (CDBG) will open in March and April. The requirements are changing and will now be income-based. Mrs. Dodd will have to determine if the city can apply due to this change.
- There is a Greene County Municipal Grant that Mrs. Dodd plans to apply for. For the last two years Bellbrook has received money from Greene County as a grant to be used to leverage other funding for various projects that fit their criteria. This year instead of granting an allocation to each municipality they are soliciting applications and will be granting it based on projects submitted. She is unsure if we will be ready to submit this year, but she is working

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closely with representatives from the County. Mr. Hoke offered to help the City Manager with the grant proposal.

- The City has been approached by a High School group called the “Bellbrook Hopeful Squad” who would like to paint a mural in Bellbrook. This has emphasized a challenge that exists in our code. The current code does not identify murals at all. The new Article 14 defines some basic qualities but does not include the process needed to approve and regulate murals. Staff is currently working on this.
- The Community Leaders Meeting is now a 2021 goal and the City Manager is working on scheduling one quarterly. So far only two of the other entities have responded and neither is interested in holding this meeting in the next few months. Mrs. Dodd stated that this was a concern with this goal since the city has no control over the other entities. Mrs. Middlestetter added that the same organizations already attend the monthly chamber of commerce meetings. Mr. Hoke added that the meeting we are trying to encourage is for residents. Mr. Havens cleared up the possible confusion by explaining that there are two different items. One was Mrs. Dodd reaching out to all the community groups to open a dialogue. The second item was reinstating the Quarterly Leaders Meetings that included Bellbrook, Sugarcreek Township, schools, and the parks.

Mr. Havens asked if there has been any response to the downtown sidewalk letters that were sent. He added that he appreciated that property owners were given this advance notice of what will be occurring in a few months.

CLERK’S REPORT

Mrs. Timmons announced the following future items:

- Feb 22
 - Work Session for CIC follow up
 - Police Department Annual Report
- Legislative Items to be considered from Planning Board
 - Vacancy Registration Requirements
 - 18.20(B) – Sign Code
 - Article 14

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COMMENTS

Mr. Hoke wanted to commend the school staff and teachers as students return to the classrooms full time.

Mr. Havens showed a piece of artwork created by the middle school arts. He is hoping to create some camaraderie within the community by offering to let local businesses and organizations display them for free in their lobbies. He also wished the Mayor a speedy recovery.

Mr. Greenwood none

Mrs. Middlestetter thanked Mr. Edwards for leading the meeting and also wished Mayor Schweller a speedy recovery. She empathized with Mr. Hoke on the passing of his father.

Dr. Van Veldhuizen mentioned to Mrs. Middlestetter that he would be happy to help with the cataloging of items for the Historical Museum. He also thanked the Deputy Mayor for his running of the meeting.

Mr. Edwards thanked everyone for their work.

PUBLIC COMMENT – none

ADJOURNMENT

Deputy Mayor Edwards announced that the executive session scheduled for the meeting would be postponed until the next meeting when the Mayor would be able to participate. Being there is no further business to come before the Bellbrook City Council he declared the regular meeting adjourned at 8:20 PM.

Nick Edwards, Deputy Mayor

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Pamela Timmons, Clerk of Council

Office of the Mayor
Bellbrook, Ohio

Proclamation

Black African American History Month February 2021

WHEREAS, the month of February has been designated as National Black African American History Month, in which we celebrate the vast contributions of Black African Americans to our Nation's history and identity; and

WHEREAS, Black African American History Month grew out of the establishment, in 1926, of Negro History Week by Carter G. Woodson and the Association for the Study of African American Life and History; and

WHEREAS, the 2021 national theme for the observance is “The Black Family: Representation, Identity and Diversity”

WHEREAS, the City of Bellbrook is deeply committed to equity and inclusion which includes the cultural and racial affirmation of our community members who identify as Black African American and the contributions they make to the fabric of our community; and

WHEREAS, the City of Bellbrook strives to close the equity and outcome gaps for Black African American community members through policies and practices to ensure greater access and opportunity; and

WHEREAS, the City of Bellbrook recognizes the value of diversity and the importance of celebrating and promoting it within our community.

NOW, THEREFORE, I, Michael W. Schweller, as Mayor of the City of Bellbrook, do hereby proclaim February 2021 as:

BLACK AFRICAN AMERICAN HISTORY MONTH

and encourages all residents to honor Black American history and culture and take this opportunity to continue to recognize and celebrate the contributions of Black Americans in our everyday lives.

In witness whereof I have hereunto set my hand and caused this seal to be affixed.

Michael W. Schweller, Mayor

DATE: _____



SERVICE DEPARTMENT YEARLY REPORT

2020

WATER PRODUCTION



- 300,410,000 gallons pumped
- 277,410,000 metered
- 7.66% loss (Hydrant flushing, Water leaks, etc.)

SNOW REMOVAL

12 SNOW AND ICE EVENTS (MILD WINTER)

1809 MILES DRIVEN

234 TONS OF SALT USED

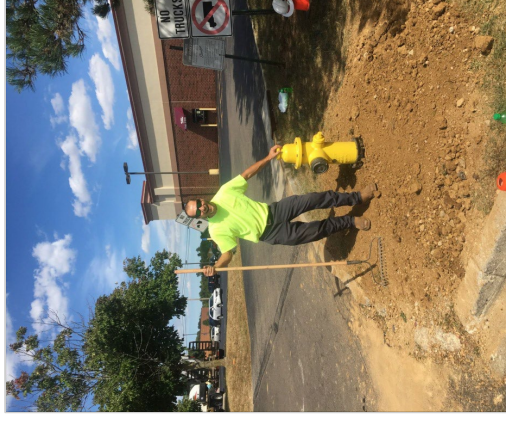
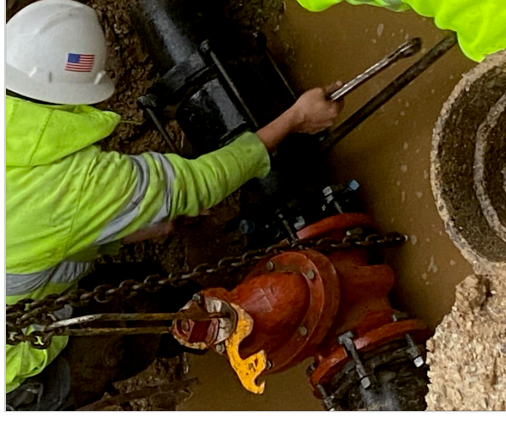
422 GALLONS OF FUEL USED

140 LABOR HOURS



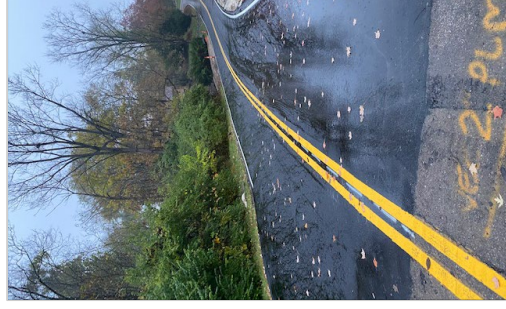
WATER SYSTEM MAINTENANCE & REPAIRS

- 13 WATER MAIN BREAKS
- OVER 600 FIRE HYDRANTS FLUSHED IN OCTOBER
- 4 HYDRANTS REPLACED



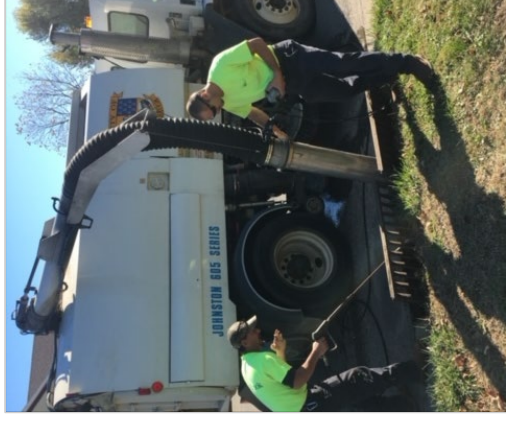
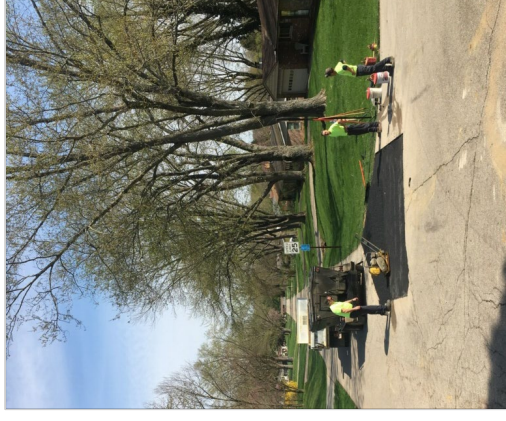
MAJOR PROJECTS

- NORTH BELLEVIEW CULVERT WASHOUT
- BEECHWOOD CULVERT RE-LINING
- N. WEST STREET SIDEWALK
- BELLEMEADE DR. MILLED AND PAVED
- FOWLER DR. MILLED AND PAVED
- JUSTIN CT. MILLED AND PAVED
- LYNLEE DR. MILLED AND PAVED

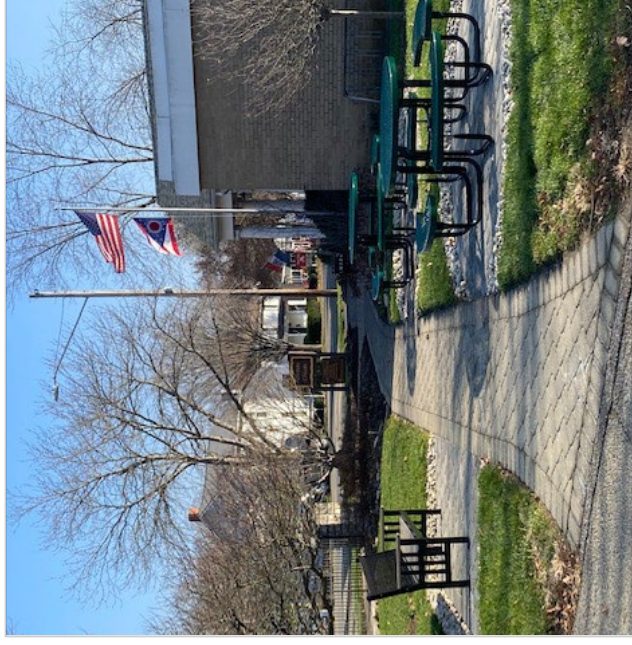


WORK ORDERS

- 1867 LOCATE REQUESTS (O.U.P.S.)
- 1414 WATER SERVICE WORK ORDERS
- 1115 GENERAL WORK ORDERS



COVID-19 PANDEMIC



- **INSTALLATION OF TOUCHLESS EQUIPMENT:**
- **AUTOMATIC DOORS AT MUNICIPAL BUILDING AND LIBRARY**
- **SOAP DISPENSORS, PAPER TOWEL DISPENSORS, HAND DRIERS, TOUCHLESS URINAL FLUSHERS, AND TOUCHLESS FAUCETS**
- **OUTDOOR SEATING INSTALLED AT LIBRARY AND MUNICIPAL BUILDING FOR SOCIAL DISTANCING PURPOSES**

STAFF HEALTH PRACTICES DURING PANDEMIC

- ALTERNATING SHIFTS DURING STAY-AT-HOME ORDER
- TEMPERATURES TAKEN EVERY MORNING
- MASK WEARING
- DOORKNOBS, FAUCETS, ETC SANITIZED REGULARLY
- FOGGER USED TO SANITIZE INSIDE VEHICLES

STAFF
(YEARS OF SERVICE)

- **JERRY BURGAN (35 YEARS)**
- **RYAN PASLEY (25 YEARS)**
- **PAUL STROUD (22 YEARS)**
- **BEV DAUGHERTY (21 YEARS)**
- **BRETT WOESTE (15 YEARS)**
- **ALEX FABRICK (9 YEARS)**
- **JON DALTON (6 YEARS)**
- **MATT SANDERMAN (6 YEARS)**
- **JOSH BURNS (STARTED 1/4/2021)**

THANK
YOU!!

- We appreciate your support.

RECORD OF RESOLUTIONS

Resolution No. 2021-E

February 8, 2021

City of Bellbrook

Resolution No. 2021-E

A Resolution Authorizing the City Manager to Enter into an Agreement with the Sable Ridge Owner's Association for Gate Maintenance.

WHEREAS, on February 24, 2000, Ordinance 2000-1 approved a major change to the Sable Ridge Subdivision; and

WHEREAS, among the changes to the plan for the development included the construction of a gate dividing Kensington Drive and the Sable Ridge subdivision; and

WHEREAS, upon adoption of the major change to the subdivision, the ownership and maintenance of the gate was not recorded on the record plan; and

WHEREAS, the City of Bellbrook wishes to maintain ownership of the gate with the Sable Ridge Owner's Association accepting responsibility for maintenance and repair of the gate; and

WHEREAS, both parties have agreed to outline the terms of the agreement for clear understanding of responsibility of the gate from this day forward.

Now, Therefore, the City of Bellbrook Hereby Resolves That:

Section 1. The Bellbrook City Council hereby authorizes the City Manager to act as a signatory on their behalf and enter and agreement with the Sable Ridge Owner's Association for gate maintenance.

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

Michael W. Schweller, Mayor

ATTEST:

Pamela Timmons, Clerk of Council

LICENSE AGREEMENT

THIS LICENSE AGREEMENT (this “Agreement”), is made this ____ day of February, 2021, by and between the City of Bellbrook, Ohio, a municipal corporation (“Licensor”), and the Sable Ridge Owners Association, Inc., an Ohio non-profit corporation (“Licensee”).

1. **SPACE.** Licensor owns an access gate and emergency access road connecting Sable Ridge Drive and Kensington Drive. Licensee desires to utilize and maintain the access gate, as depicted on attached Exhibit A and marked as “Gate” (the “Gate”), for the sole purpose of operating the Gate as an emergency access point (the “Licensed Activity”) and for no other purpose without the prior written consent of Licensor, and Licensor is willing to license the use of the Gate to Licensee for the Licensed Activity, subject to the terms and conditions of this Agreement.

2. **GRANT OF LICENSE.** Licensor hereby grants to Licensee a license to use the Gate for the Licensed Activity (the “License”), at times and days as mutually agreed upon by the parties from time to time, on the terms and conditions provided herein, and on a year-to-year basis (the “License Term”), provided, however, the License Term may be terminated by either party with 30 days prior written notice.

3. **CONDITIONS OF USE.** In connection with its use and operation and maintenance of the Gate, Licensee:

(a) will not use, nor permit others to use, the Gate for any illegal purpose or violate any statute, regulation, rule or order of any governmental body, nor create or allow to exist any nuisance or trespasses, nor do, nor allow others to do, any act in or about the Space or bring anything onto or into the Space, which will in any way increase the rate of insurance on the Space nor deface or injure the Space;

(b) at its sole expense, will comply with all statutes, regulations, rules and ordinances and orders of any governmental body, department or agency thereof pertaining to Licensee’s use of the Gate and the Licensed Activity;

(c) will abide by the rules and regulations regarding the Gate now or hereafter established by Licensor from time to time;

(d) will allow Licensor and its agents, employees and contractors to at all times access the Gate in order to inspect the same at such times as Licensor deems reasonably necessary;

(e) will take sufficient care of the Gate to keep it in good condition and suitable for the Licensed Activity (Licensee acknowledges that the Gate is currently in that condition), and to keep the surroundings in and about the Gate clean and free from waste. Without limiting the foregoing, Licensee shall be responsible, at Licensee’s sole cost and expense, for all maintenance, repair and replacement to the Gate during the Term and upon the expiration of the Term for restoring the Gate to the same condition as existed on the Effective Date, including without limitation, repairing any damage caused to the Gate. Maintenance may include, but is not limited to the following: (i) Replacing batteries necessary for operation of Gate during power outages (if battery power is enabled); (ii) Lubrication of parts per manufacturer’s specifications; and (iii) Maintaining the rapid entry devices;

(f) will ensure that the Licensor and any of its representatives and agents will continue to have the ability to access/open the gate using the rapid entry devices that are already in their possession and listed as an attachment (Exhibit B);

(g) will keep the Gate open if the rapid entry device is not operating;

(h) will not use, or permit others to use, the Gate for any purpose other than the Licensed Activity;

(i) will maintain service and maintenance records subject to review at the request of the Licensor;

(j) will not alter or place improvements, modifications, decorations or signs on the Gate without the prior written consent of Licensor, which consent may be withheld in Licensor's sole discretion;

(k) shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with Licensee's use of the Gate, as follows:

1. **Commercial General Liability (CGL)** at least as broad as Insurance Services Office (ISO) Form CG 00 01 covering CGL on an "occurrence" basis, including contractual liability, with limits no less than \$1,000,000 per occurrence, \$2,000,000 aggregate for bodily injury, property damage, personal & advertising injury.

(a) **Additional Insureds:** The policies are to cover or be endorsed to cover the Licensor, its officials, employees, agents and volunteers as Additional Insureds.

(b) **Primary Coverage:** For claims related to this project, the Licensee's insurance coverage shall be primary and non-contributing as respects the Licensor, its officials, employees, agents and volunteers.

(c) **Acceptability of Insurers:** Insurance is to be placed with insurers with a current A.M. Best rating of no less than A:VII, unless otherwise acceptable to the Licensor.

(d) **Verification of Coverage:** The Licensee shall furnish the Licensor with a **Certificate of Insurance** verifying compliance with these specifications upon execution of this Agreement and each July 1 during the term of the Agreement. The Licensor reserves the right to require complete, certified copies of all required insurance

policies, including endorsements, required by these specifications, at any time.

- (e) **Non-renewal, Cancellation, or Material Change of Coverage:** Each insurance policy required above shall state that coverage shall not be cancelled, except with notice to the Licensor. If the Licensee receives a non-renewal or cancellation notice from an insurance carrier providing coverage required herein, or receives notice that coverage no longer complies with the requirements herein, **Licensee agrees to notify the Licensor** written notice by mail or email within five (5) business days with a copy of the non-renewal or cancellation notice, or written explanation of how coverage is no longer in compliance. If Licensee fails to carry insurance in compliance with these specifications, Licensor may obtain such insurance and collect the cost thereof from the Licensee.

- 2. **Workers Compensation** coverage as required by the State of Ohio (if Licensee has employees). Licensee shall furnish the Licensor one (1) unaltered copy of the official certificate of the Ohio Industrial Commission indicating that Licensee has paid the premiums required under the Ohio Workers' Compensation Act evidencing that these workers are covered by Workers' Compensation during the Agreement term.

- (l) shall indemnify and hold harmless Licensor and Licensor's officers, agents, employees, successors, and assigns (collectively, the "Licensor Parties") from and against any and all claims, losses and/or damages arising from Licensee's use of the Gate, or from the conduct of Licensee's business or from any activity, work, or things done, permitted, or suffered by Licensee in, on, or about the Gate or elsewhere, and shall further indemnify and hold harmless all Licensor Parties from and against any and all claims arising from any breach or default in the performance of any obligation on Licensee's part to be performed under the terms of this Agreement, from and against all costs, attorneys' fees, expenses, and liabilities incurred in the defense of any such claim or any action or proceeding brought thereon; and in case any action or proceeding shall be brought against Licensor by reason of any such claim, Licensee, upon notice from Licensor, shall defend the same at Licensee's expense by counsel satisfactory to Licensor. Licensee, as a material part of the consideration to Licensor, hereby assumes all risk of damages to property or injury to persons, in, on, or about the Premises arising from any cause, and Licensee hereby waives all claims in respect thereof against any Licensor Parties. Licensee hereby releases and relieves the Licensor and waives Licensee's entire right of recovery against the Licensor for loss or damage arising out of or incident to the perils insured against, or required to be insured against, under this Section 3, which perils occur in, on, or about the Gate, whether due to the negligence of Licensor or Licensee, or any of their agents, employees, contractors, and/or invitees. Licensee shall, upon obtaining the policies of insurance required

hereunder, give notice to the insurance carrier or carriers that the foregoing waiver of subrogation is contained in this Agreement.

3. **SERVICES PROVIDED.**

(a) In connection with Licensee's use of the Space, Licensor will provide Licensee with the following services during the License Term:

(i) will provide electricity to operate the gate at no cost to licensee.

(b) Licensor will not be liable to Licensee in any manner whatsoever for failure to furnish or delay in furnishing any service or services provided for in this Agreement and no such failure or delay will operate to relieve Licensee from the prompt and punctual performance of each and all the covenants to be performed herein by Licensee. Licensor will not be liable to Licensee for the theft, mysterious disappearance, or loss of any property of Licensee or its agents, employees, contractors, licensees or invitees whether from the Gate or any part of the surrounding property owned by Licensor. Licensor agrees to make reasonable efforts to protect Licensee from interference or disturbance by third persons; provided, however, Licensor will not be liable, and Licensee will not be relieved from its obligations hereunder, for any such interference or disturbance.

4. **NOTICES.** Any notice, demand or other communication which either party may wish or be required to give to the other hereunder shall only be effective if in writing and delivered mail or email addressed as follows:

To Licensor: City of Bellbrook
Attn: City Manager
15 East Franklin Street
Bellbrook, Ohio 45305
m.dodd@cityofbellbrook.org

With a copy to: Coolidge Wall Co., L.P.A.
Attn: Stephen M. McHugh, Esq.
33 West First Street, Suite 200
Dayton, Ohio 45402
mchugh@coollaw.com

To Licensee: Sable Ridge Owners Association, Inc.
Attn: Timothy Tye
5975 Kentshire Drive
Dayton, Ohio 45440
ttye@biegeltye.com

Each such notice, demand or other communication shall be deemed given on the date when actually received or refused if delivered by hand or by overnight courier. Either party may, by notice in writing, direct that further notices, demands or other communications be sent to a different party and/or to a different address.

5. **DEFAULT.** Should Licensee: (i) fail to maintain insurance required hereunder; or (ii) violate and/or fail to perform or otherwise break any covenant or agreement herein contained, then Licensor may terminate this License by giving written notice thereof to Licensee and Licensor shall have

the right to recover from Licensee the Gate, with or without the process of law, and remove all of Licensee's personal property from the Gate at Licensee's sole cost and expense. All of the remedies available to Licenser under this Agreement, and all rights and remedies available at law or in equity, shall be cumulative and concurrent.

6. MISCELLANEOUS.

(a) Licenser is not, and will in no manner or respect be considered, a sponsor, partner, joint venturer, employer or principal of Licensee.

(b) The License granted herein is personal to Licensee, and accordingly, Licensee may not assign this Agreement or encumber, mortgage or sublet any part of the Gate or any interest hereunder. This Agreement may not be modified or amended except by a written instrument executed by both Licenser and Licensee.

(c) The provisions of this Agreement will inure to the benefit of and be binding upon Licenser and Licensee, and their respective successors, heirs, legal representatives and assigns, subject, however, to the conditions and limitations set forth herein.

(d) The License granted herein is not coupled with an interest in the Gate or the emergency access road connecting Sable Ridge Drive and Kensington Drive, and Licensee will have no vested interest in the emergency access road connecting Sable Ridge Drive and Kensington Drive or the Gate.

(e) The laws of the State of Ohio will govern the interpretation, validity, performance and enforcement of this Agreement.

(f) The obligations of Licenser and its liability, if any, to Licensee with respect to this Agreement will be limited solely to its interest in the Space, and neither Licenser nor any officers, agents, employees, successors, and assigns of Licenser will have personal liability whatsoever with respect to this Agreement.

(g) This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, and all such counterparts shall together constitute one and the same instrument. Counterparts of this Agreement delivered by facsimile, pdf or other electronic means shall be deemed to be original counterparts for the purpose of this Agreement.

[Signature Page to Follow]

IN WITNESS WHEREOF, Licensor and Licensee have executed this Agreement as of the date first above written.

LICENSEE:

Sable Ridge Owners Association, Inc.,
an Ohio non-profit corporation

By: _____

Name: _____

Title: _____

Date: _____

LICENSOR:

City of Bellbrook,
an Ohio municipal corporation

By: _____

Name: Melissa Dodd

Title: City Manager

Date: _____

EXHIBIT B

List of Entry Devices to Sable Ridge Gate at Kensington Drive in possession of the City of Bellbrook

- Service Department has two (2) gate openers and keys to the electric box
- Fire Department has seven (7) gate openers
- Police Department has seven (7) gate openers

RECORD OF RESOLUTIONS

Resolution No. 2021-F

February 8, 2021

City of Bellbrook

Resolution No. 2021-F

A Resolution Approving the Amended Agreement and Bylaws of the Miami Valley Risk Management Association (MVRMA).

WHEREAS, the City of Bellbrook is a member of the Miami Valley Risk Management Association (MVRMA) and the Agreement and Bylaws was executed by each member city upon admission to the association and represents the contract between the pool and its members; and

WHEREAS, the Agreement and Bylaws was adopted December 1, 1988, upon formation of the pool and has been amended five times subsequently, most recently in 2002; and

WHEREAS, amendments require a recommendation by at least 2/3 of the Board of Trustees and an approving resolution approved by the governing bodies of at least 2/3 of the members; and

WHEREAS, a committee appointed by the president reviewed the Agreement and Bylaws and recommended various revisions to the document. (See Exhibit A)

Now, Therefore, the City of Bellbrook Hereby Resolves That:

Section 1. That the City Manager is hereby authorized to approve the amended Agreement and Bylaws of MVRMA and attached hereto.

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

Michael W. Schweller, Mayor

ATTEST:

Pamela Timmons, Clerk of Council



MEMORANDUM

January 5, 2021

TO: Board of Trustees
FROM: Thomas Judy, Executive Director
SUBJECT: Member Approval of Amended Agreement and Bylaws

Submitted with this memo is the Amended Agreement and Bylaws of the Miami Valley Risk Management Association for approval by the governing bodies of the members of the Association.

The MVRMA Agreement and Bylaws was executed by each member city upon admission to the Association and represents the contract between the pool and its members.

The Agreement and Bylaws was adopted effective December 1, 1988, upon the formation of the pool and has been amended five times subsequently, most recently in 2002. Amendments require a recommendation by at least 2/3 of the Board of Trustees and an approving resolution approved by the governing bodies of at least 2/3 of the members.

An ad hoc committee appointed by the President recently undertook a thorough review of the Agreement and Bylaws. The committee, consisting of Bill Kucera of Beavercreek, Emily Christian of Miamisburg, Ginger Adams of Sidney and John Green of Tipp City, recommended various revisions to the document. The Board of Trustees recommended the amended document for approval at its December 21, 2020 meeting.

The recommended changes fall into two categories: 1) improvements in wording including grammatical changes, 2) clarifications of the document's intent, and 3) substantive changes. In my opinion, the substantive changes, in general, reflect the evolution of the pool. The clarifications and substantive changes are summarized on the following pages:

MVRMA Amended Agreement and Bylaws – Summary of Recommend Changes – December 2020

	Article / Page	Current	Proposed	Comments
1	Article II (p. 1:11:7)	Pool Contribution Formula (PCF) is “set forth in Appendix B.”	PCF to be “determined by the Board.”	Gives the Board flexibility to change the formula. Per Article V(i)(6), such changes require a 2/3 majority of the Board.
2	Article IV(a) (p. 1:11:9)	Members may extend the term of the Association for terms beyond the initial year of operation.	Added that the adoption of the annual budget constitutes extension of the Association term for the upcoming year.	Provides a mechanism to extend the term of the Association. Current Bylaws provide no such mechanism.
3	Article IV(b) (p. 1:11:10)	Article IV(b) authorizes distribution of “surplus operating funds” to withdrawn members. However, per Article VIII(f), withdrawn members may not participate in distribution of surplus claims funds.	Added reference in Article IV(b) to Article VIII(f).	The reference in Article IV to Article VIII links to two sections to make it clearer to the reader that, although a withdrawn member may receive a distribution of surplus operating funds, they do not participate in refunds of surplus claims funds
4	Article V(b) & Article VII (p. 1:11:11 & p. 1:11:16)	In the absence of the Executive Director, the President of the Board of Trustees serves as the CEO.	Added authority for the Board to appoint an Interim CEO in lieu of the President.	Gives the Board the flexibility to appoint another individual in the event the President cannot, or does not wish to, serve as CEO.
5	Article V(c)(5) (p.1:11:12)	Duties of the Board include “ Recommending the acceptance of new members.”	Changed to “ Approving the acceptance of new members.”	Clarifies that no further approval beyond the Board of Trustees is necessary to admit a new member.
6	Article V(c)(11) & Article V(i)(6) (p. 1:11:12 & p.1:11:14)		Grants Board the authority to approve the Pool Contribution Formula (PCF) and changes thereto.	See #1 above
7	Article VII (p. 1:11:18)	Association may purchase fidelity bonds for the officers, employees, committee members, etc.	Added authority to use “equivalent insurance policy” in lieu of bonds.	Gives the option to purchase a crime policy in lieu of bonds.

	Article / Page	Current	Proposed	Comments
8	Article VIII(f) (p. 1:11:21)	Trustees may distribute surplus funds after all claims have been paid or provided for.	Added clarifying language.	
9	Article VIII(h) (p. 1:11:21)	All contractors, including attorneys, shall provide a semiannual reporting of the status of their work.	Deleted	This requirement is not necessary. Other reporting mechanisms are in place.
10	Article VIII (p. 1:11:22)	The Board shall contract with someone to prepare an analysis of the investment program	Deleted	Committee believed this to be unnecessary due to Finance Committee oversight of the investment program in accordance with the Cash & Investment Policy.
11	Article X (p. 1:11:24)	The members' deductible is the first \$2,500 of any claim.	The Board may establish the amount of the members' deductibles.	Provides flexibility to the Board to revise the deductible as circumstances warrant.

To: Mayor & City Council
From: Melissa Dodd, City Manager
Date: February 5, 2021
Subject: City Manager Update

- **Service Annual Report**– Tonight Service Director Ryan Pasley will be delivering his department’s annual report. Hats off to Ryan and his team for the great work they do day in and day out.
- **Council Goals** – Work has already begun on Council goals for the year. I already met with the Community Affairs Committee and have been in communication with the Service Committee related to their goals. We are off to a great start so far and I am confident we will accomplish a lot this year!
- **Greene County Land Use Plan – Perspectives 2040** - Greene County Regional Planning has been conducting a Mapping and Implementation Strategy Workshop for Perspectives 2040 – The Greene County Future Land Use Plan. Members of Council, Planning Board and the BZA all should have received an invitation to participate. If you did not and want to participate, please let me know. Packets to complete at home are available for your convenience.
- **Police Department Administrative Assistant Position** – Our current Administrative Assistant Nichole Etchison will be leaving her position as of February 26. Nichole is moving on to a wonderful opportunity and we will miss her greatly! With that being said, we are searching for our next Administrative Assistant. Full details are on the City’s homepage.
- **COVID Update** – Greene County Emergency Management will be providing our Fire Department with an allotment of rapid tests for use by employees. Employees must be symptomatic to receive a test. We are thankful for this tool to keep employees and the community safe.
- **Monthly Board Activity Updates** – The first board activity update is in tonight’s packet. Hopefully this is helpful so that Council is aware of the great work happening at the board level.



January Board Updates

- **Planning Board**
 - Met January 21st
 - Topics Covered:
 - Article 14 – the planning board has been working through these codes since October 22, 2020. They voted and approved the Article. It is now with the city attorney.
- **BZA/PRC**
 - Met January 19th
 - Topics Covered:
 - Initial review of Property Maintenance Code
- **VRB**
 - Met January 6th
 - Topics Covered:
 - Board approved **VRB20-163** for a projecting sign for The Bell House at 9 E. Franklin.