5:45 pm Executive Session - Personnel matters-To consider the employment or discipline of a public employee

6:00 pm Work Session - 2018 Budget Review-Service and Administration Departments

7:00 pm- Regular Meeting

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
5. Mayor’s Announcements/Special Guest
6. Public Hearing of Ordinances
7. Introduction of Ordinances

**Ordinance 2017-9** An Ordinance Amending Chapter 1224 “Subdivision Regulations” of the Bellbrook Municipal Code. (Middlestetter)

**Ordinance 2017-10** An Ordinance Amending Article 19 “Enforcement and Penalties” of the Bellbrook Zoning Code. (Seger-Lawson)

8. Resolutions

**Resolution 2017-DD** A Resolution Approving the Replat of Lot #1B into Lots #1D and #1E, Highview Terrace Subdivision Section I. (Greenwood)

9. City Manager’s Report
10. Committee Reports
   A. Service
   B. Safety
   C. Finance/Audit
   D. Community Affairs
11. Old Business
12. New Business
    - Motion to Authorize the Competitive Bid for the Upper Hillside Water Main Improvement Project
13. Open Discussion
14. Adjourn
PRESENT:    Mr. Nick Edwards
           Mr. Forrest Greenwood
           Mr. Darryl McGill
           Mrs. Elaine Middlestetter
           Mrs. Dona Seger-Lawson
           Deputy Mayor Mike Schweller
           Mayor Bob Baird

This is a summary of the City Council meeting held on Monday, October 9, 2017. Mayor Baird called the meeting to order at 7:00 pm and the Clerk called the roll.

After polling members of City Council, as there were no corrections or additions to the work session meeting minutes and the regular meeting minutes of September 25, 2017, Mayor Baird declared the minutes approved as written.

MAYOR’S ANNOUNCEMENTS/SPECIAL GUEST
Mayor Baird read a Proclamation that declares October “Domestic Violence Awareness Month”.

Mayor Baird also read a couple of thank you notes from Mrs. Sargent’s third graders. Mayor Baird recently visited the students.

PUBLIC HEARING OF ORDINANCES

INTRODUCTION OF ORDINANCES

RESOLUTIONS
Mr. Schweller read Resolution 2017-CC A Resolution Establishing a Blanket Purchase Order Limit as Required by Ohio Revised Code 5705.41(D) (3). Mr. Schlagheck said the City’s 2016 financial audit is near completion. One of the recommendations from the audit is the establishment of a limit for blanket purchase orders. City staff recommended a blanket purchase order amount limit not to exceed $25,000 unless a purchase for a higher amount has been approved by City Council. Mr. Schlagheck said we already have controls in place, but the Ohio Revised Code requires Council approval of a limit for blanket purchase orders. This will not change anything that the City is doing but it will meet the requirements of the Ohio Revised Code.

Mr. Schweller made a motion to adopt Resolution 2017-CC. Mrs. Seger-Lawson seconded the motion. The Clerk called the roll: Mr. Schweller, yes; Mrs. Seger-Lawson, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mr. McGill, yes; Mrs. Middlestetter, yes; Mayor Baird, yes. The motion carried 7-0.

CITY MANAGER REPORT
Mr. Schlagheck said the Fire Department Open House is tomorrow evening at Fire Station 2. The Fire Department puts a lot of time and effort into this event. He invited everyone out tomorrow night from 6:00-9:00 pm.
Mr. Schlagheck said the Planning Board will meet on Wednesday October 18 at 6:00 pm. The meeting will continue the discussion of the Comprehensive Plan update along with a couple of other items of business.

Mr. Schlagheck said the next levy informational meeting will be this Wednesday, October 11 from 3:00-5:00 pm in Council Chambers. The first informational meeting was not very well attended. Mr. Schlagheck also said an informational postcard is being sent to residents starting today. The levy on the ballot in November is a general fund, 3.0 mill, 5-year property tax levy. It will provide funding for public safety services. This proposed levy will generate approximately $500,000 per year. Mr. Schlagheck said that residents were recently mailed new property tax valuations. For Bellbrook, the total valuation increased about 9%. He said this does not mean a 9% increase in tax revenue for the City. Even though property values will rise, most of the property tax rates will be reduced. In addition, the proposed levy will generate only the amount that was certified by the Greene County Auditor, which is $500,000. It will cost the property owner no more than $8.75 per month, $105 per year for each $100,000 of property valuation.

The purpose of the levy is to reduce structural deficit caused by the reduction of revenue from the State of Ohio and investment interest. One full time firefighter position will be added to improve staffing. Also, one full time police officer will be added. The school has requested a full-time school resource officer for the schools within the City. Lastly, funds will be earmarked for improvements to the downtown area.

Mr. Schlagheck said other items to consider with the levy include:

- Bellbrook does not have a municipal income tax
- Water rates have not been increased since 2011
- Waste collection rates have decreased from $17 per month in 2011 to $13 per month in 2017
- Current property taxes are $561 per year for all municipal services
- No additional property tax levies have been passed by the City since 2009
- Police and fire dispatch was consolidated with Sugarcreek Township, Xenia and Greene County, saving $125,000 annually.

Next, Mr. Schlagheck said some accomplishments of the levy would include:

- Keep local safety services to date and high quality
- Invest in safety equipment, personnel and community programs to sustain our low crime rate and emergency response times
- Maintain quality of life for our residents
- Protect property values
- Attract businesses and visitors to downtown Bellbrook.

Mr. Schlagheck said if anyone has any questions regarding the levy, they are encouraged to come to the informational meeting or call him.
Lastly, Mr. Schlagheck said the budget process will begin soon. A work session to present the Administrative and Service Department budgets will be held prior to the next Council meeting on October 23. The Police and Fire budgets will be presented at a work session on November 13. The five year projections and the introduction of appropriations for 2018 will be presented at the November 27 Council meeting.

**COMMITTEE REPORTS**

**Service:** No Report

**Safety:** Mr. Greenwood encouraged everyone to come to the Fire Department Open House tomorrow at Fire Station 2 from 6:00-9:00 pm

**Finance/Audit:** Mr. Schweller spoke about the third quarter financial update. He said revenue is up over 12% due to the homestead and rollback increase and tap-in revenue. Expenditures are up over 6% mostly a result of capital outlay. Mr. Schweller said the capital items are budgeted and tracked closely. Mr. Schweller also said that even if a capital item is in the budget but not needed, the item is deferred.

Mr. Schweller said another recommendation of the audit is to formally accept the quarterly unaudited financial report. Mr. Schweller made a motion to accept the third quarter 2017 Unaudited Financial Report. Mr. Edwards seconded the motion. The Clerk called the roll: Mr. Schweller, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mr. McGill, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Mayor Baird, yes. The motion carried 7-0.

Next, Mr. Schweller spoke of another recommendation of the audit which is an Asset Management Policy. Capital assets are used in operations and have initial useful lives extending beyond one year. The City will capitalize an asset if it cost $5,000 or more. Mr. Schlagheck said this policy, except for the inclusion of the useful lives, was originally put in place in 2014. This is for the record and will be forwarded to the auditors. Mr. Schweller made a motion to adopt Asset Management Policy. Mr. McGill seconded the motion. The Clerk called the roll: Mr. Schweller, yes; Mr. McGill, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Mayor Baird, yes. The motion carried 7-0.

**Community Affairs:** Mrs. Middlestetter said Halloween in the Park will be October 21 from 3:00-5:00pm. Also Trick or Treat will be Wednesday, October 31 from 6-8 pm.

**OLD BUSINESS**

**NEW BUSINESS**

**OPEN DISCUSSION:** Mrs. Seger-Lawson recently attended a Greene County Regional Planning meeting. She said Greene County will be coordinating a meeting to use the same GIS system. Mr. Schlagheck said that we are in
the process of putting one in place for the water system, streets and storm water. She also said all members of Council are invited to a meeting on October 17 regarding thoroughfare planning. Lastly, Mr. Seger-Lawson said there was discussion at the meeting about the flooding in Houston and what would happen if there was a major storm in Bellbrook. Mr. Schlagheck said that Greene County EMA develops plans for the area. Mr. Schlagheck said he can get some information and provide it to Council.

Mr. Schweller said the levy on the ballot is a significant amount of money for the city and it is extremely necessary. He asked residents for their support. He said if residents have any questions, please come to the informational meeting on Wednesday from 3:00-5:00 pm or contact a member of Council or the City Manager.

**ADJOURN**

Being no further business to come before this regular session of the Bellbrook City Council, Mayor Baird declared the meeting adjourned at 7:44 pm.

______________________________  
Robert L. Baird, Mayor

______________________________  
Jami L. Kinion, Clerk of Council
City of Bellbrook

Ordinance No. 2017-9


WHEREAS, the City of Bellbrook has enacted Chapter 1224 of the Bellbrook Municipal Code which is entitled “Subdivision Regulations”; and

WHEREAS, the purpose of Chapter 1224 is to protect the peace, health, safety and welfare of the citizens of Bellbrook; and

WHEREAS, the City desires to amend Chapter 1224 of the Bellbrook Municipal Code to increase the amount of the cash bond provided by subdividers for plan review and inspection costs.

Now, Therefore, The City of Bellbrook Hereby Ordains:

Section 1. That the following amendments to Chapter 1224 “Subdivision Regulations” of the Bellbrook Municipal Code be approved with additions shown by italics and underlined and deletions shown by strikethrough and brackets:

§1224.01. - Fees.

The following fees are required under the Subdivision Regulations for the platting of land in the City:

(a) Preliminary Filing Fee ..... $200.00 plus $25.00 per acre
(b) Final Filing Fee ..... 250.00 plus $25.00 per acre
(c) Lot Split/Lot Combination Fee ..... 50.00
(d) Inspection fees. Prior to approval by the Planning Board of a final plat and construction plans, the subdivider shall provide a cash bond in the amount of [four percent] six percent (6%) of the estimated cost of the public improvements (streets, curbs, sidewalks, storm sewers and waterlines) to the Finance Office. The subdivider's engineer of record shall provide an estimate as to quantities and prices and, if a discrepancy exists between the subdivider and the City Engineer's estimates, the inspection deposit will be based on the City Engineer's estimate.

(e) Inspection costs. Inspection costs and the cost of subdivision plan review performed under contract by the City shall be charged against the [four percent] six percent (6%) deposit. Any portion of the deposit not used shall be returned to the developer at the time the performance bond or letter of credit is released. However, if funds deposited at the time of filing are not sufficient to cover all inspection costs, additional inspection fees shall be required when needed, at the discretion of the City Manager.
(f) Water and sewerage connection fees. All fees for connection to the City water system shall be established in Chapter 1042 of this Code. All fees for connection to the County sanitary sewer system shall be set by the Greene County Department of Sanitary Engineering and paid to that agency.

(g) Failure to pay filing fee. If a filing fee is not paid prior to the initiation of construction, a penalty of 50 percent of the filing fee shall be added to the fees listed in this section if the project is in full compliance with the Zoning Code.

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

PASSED this ____day of ____________________________, 2017.

__________________________________________
Robert L. Baird, Mayor

__________________________________________
Jami L. Kinion, Clerk of Council

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

Ordinance No. 2017-10


WHEREAS, the City of Bellbrook has enacted the Bellbrook Zoning Code; and

WHEREAS, the purpose of the Zoning Code is to protect the peace, health, safety and welfare of the citizens of Bellbrook; and

WHEREAS, the City desires to amend Article 19 “Enforcement and Penalties” of the Bellbrook Zoning Code to allow for the assessment of civil penalties for violations of the Zoning Code; and

WHEREAS, the Bellbrook Planning Board conducted a public hearing on the amendment to the Zoning Code on October 17, 2017; and

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

WHEREAS, all amendments to the Zoning Code must be approved by ordinance

Now, Therefore, The City of Bellbrook Hereby Ordains:

Section 1. That the following amendment to Article 19 “Enforcement and Penalties” of the Bellbrook Zoning Code be approved with additions shown by italics and underlined and deletions shown by strikethrough and brackets:

ARTICLE 19 ENFORCEMENT AND PENALTIES

19.12 PENALTIES:

(1) Violation of any provision of this ordinance or any amendment or supplement thereto, or failure to comply with any of the requirements of this Code may be enforced either through the filing of a misdemeanor complaint or assessment of a civil penalty, or both.

(a) Minor misdemeanor. Except as otherwise provided herein, any person, firm, or corporation violating any of the provisions of this Code, or any amendment or supplement thereto, shall upon conviction of a minor misdemeanor, be fined not more than one hundred dollars ($100).

(b) Civil penalties. A person who violates any provision set forth in a provision of the Zoning Code has committed a civil offense and is subject to civil penalties. Prior to assessment of a civil penalty, the Zoning Inspector shall issue written notice of the civil violation to the offending person. The notice shall include:
Filing of a misdemeanor complaint; or
(2) Assessment of a civil penalty; or
(3) Both.

Prior to filing a misdemeanor complaint or assessment of a civil penalty, the Zoning Inspector shall issue a written notice of the violation to the offending person. The notice shall include:

(1) The street address of the property subject to the notice of violation;
(2) A description of the violation and the section(s) of the ordinance violated;
(3) Corrective action that will eliminate or correct the violations; and
(4) The reasonable time frame required to correct the violation.

(e) Provide information to the property owner of the right to a hearing before the Board of Zoning Appeals if a request for a hearing is made within twenty (20) days of receipt of the notice;

(f) When applicable, include a statement of the right to file a lien.

(2) The written notice of the violation shall be served by one of the following methods:

(a) delivered personally;

(b) sent by certified mail to the last known address and receiving a return receipt showing delivery of the mailing; or

(c) if the notice is returned showing that the letter was “unclaimed,” service by regular mail;

(d) if the notice is returned showing that the letter was not delivered for reason other than “unclaimed,” a copy of the notice shall be posted in a conspicuous place in or about the structure affected by such notice.

(3) A person served with a notice of civil violation may request a hearing before the Board of Zoning Appeals to contest the commission of a violation, to offer an explanation of the circumstances, or to offer proof of correction. The request shall be made in writing and received by the city within 20 days of the person’s receipt of the notice of violation. The hearing shall be conducted in accordance with the provisions of Article 20 of the Zoning Code. If the person desires the presence, at the hearing, of the Zoning Inspector, the person must request the same in their written response to the notice of civil violation.

If the person served fails to remedy the zoning violation within a reasonable time, if the person admits the offense by written response, or if the person fails to attend a requested hearing, the Zoning Inspector may pursue enforcement as set forth in this section. If the person denies the offense by written response, the person must also request a hearing before the Board of Zoning Appeals.
In accordance with Section 19.15 of the Zoning Code, when a notice of civil violation has been issued pursuant to this section, the following amounts are hereby assessed upon the violator.

(a) Any violation of the Zoning Code that is a first offense shall be twenty-five dollars ($25) per day, per offense, or two hundred fifty dollars ($250) per offense total.

(b) Any violation of the Zoning Code that is a second offense shall be fifty dollars ($50) per day, per offense, or five hundred dollars ($500) per offense total.

(c) Any violation of the Zoning Code that is a third offense shall be seventy-five dollars ($75) per day, per offense, or seven hundred fifty dollars ($750) per offense total.

[If the offending party fails to remedy the zoning violation within a reasonable time, the Zoning Inspector may pursue enforcement as set forth in this section.]

Except as otherwise provided herein, any person, firm or corporation violating any of the provisions of this ordinance, or any amendment or supplement thereto, shall upon conviction of a minor misdemeanor, be fined not more than one hundred dollars ($100). Except as otherwise provided herein, any person, firm or corporation violating any of the provisions of this ordinance, or any amendment of supplement thereto, may be assessed a civil penalty. The City Council shall establish a schedule of assessed penalties based upon the severity of the violation. The maximum civil penalty shall not exceed fifty dollars ($50) per day, per offense, or five hundred dollars ($500) per offense total.

(4) Those who erect signs contrary to the provision of this [ordinance] Code shall be fined upon conviction or assessed by civil penalty not more than ten dollars ($10) per offense, up to a maximum of four (4) offenses in any twelve (12) month period. Illegal signs are subject to confiscation by the City and will not be returned to the owners until all penalties are satisfied; unclaimed signs shall be held for thirty (30) days and then disposed of as surplus property. Convictions or civil penalties for sign violations in excess of four (4) offenses in a twelve month period shall be fined, upon conviction, or assessed a civil penalty an amount not to exceed twenty-five dollars ($25) per offense.

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

PASSED this ____ day of ____________________________, 2017.

______________________________
Robert L. Baird, Mayor

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Jami L. Kinion, Clerk of Council

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

Resolution No. 2017-DD

A Resolution Approving the Replat of Lot #1B into Lots #1D and #1E, Highview Terrace Subdivision Section I.

WHEREAS, the Ohio Revised Code requires a re-plat for changes of lot lines or easements in a platted subdivision, and

WHEREAS, the City of Bellbrook’s consulting engineer and the Bellbrook Planning Board have recommended approval of a replat of Lot #1B into Lots #1D and #1E, Highview Terrace Subdivision, Section I; 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 That:

Section 1. The replat of Lots #1B into Lots #1D and #1E, Highview Terrace Subdivision, Section I is hereby approved for recording purposes.

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

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

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Robert L. Baird, Mayor

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Jami L. Kinion, Clerk of Council