



CITY OF BELLBROOK

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BELLBROOK CITY COUNCIL AGENDA

February 23, 2015

6:30 pm—Executive Session –Personnel Matters, Employment of a Public Employee

7:00 pm—Regular Meeting

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Formal Approval of the Regular City Council Meeting Minutes of **February 9, 2015**
5. Mayor's Announcements / Special Guests
 - **Mitchell Thompson**, Oath of Office, Planning Board
 - **Fire Chief Neidhard**, Fire Department Annual Report
6. Public Hearing of Ordinance

Ordinance No. 2015-1 Amending Chapter 1610 of the Bellbrook Municipal Code Establishing the Fire Code Enforced by the Bellbrook Fire Department. (**Martin**)
7. Introduction of Ordinance

Ordinance No. 2015-2 Amending Chapter 1042 of the Bellbrook Municipal Code, Relating to Increase the Fees Charged for Tap-ins. (**Seger-Lawson**)
8. Resolutions

Resolution No. 2015-E Authorizing the City Manager to advance sick leave to an employee. (**Edwards**)
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 authorizing the City Manager to solicit bids for the Water Main Extension and Downtown Replacement Project

13. Open Discussion

14. Adjourn

RECORD OF PROCEEDINGS

Minutes of Bellbrook City Council Meeting

February 9, 2015

PRESENT: Mr. Nick Edwards
Mr. Forrest Greenwood
Mr. Jon Martin
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, February 9, 2015. 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 prior minutes of the **work session and regular meeting minutes of January 26, 2015**, Mayor Baird declared the minutes approved as written.

SPECIAL GUESTS

Mayor Baird administered the Oath of Office to Dr. Scott Carlson. Dr. Carlson is the newest member to the Village Review Board. His term expires January 31, 2016.

ORDINANCES

Mr. Greenwood read **Ordinance No. 2015-1** amending Chapter 1610 of the Bellbrook Municipal Code, Establishing the Fire Code Enforced by the Bellbrook Fire Department in its entirety.

This is an introduction of Ordinance No. 2015-1 which will change text in the Bellbrook Fire Department Unified Fire Code to the most current language from the State of Ohio. Mr. Schlagheck said this section has not been updated since 1994. A public hearing will be held on February 23, 2015, at the regular City Council meeting.

Mr. Greenwood made a motion to introduce Ordinance No. 2015-1. Mr. Martin seconded the motion. The Clerk called the roll: Mr. Greenwood, yes; Mr. Martin, yes; Mr. Edwards, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion was carried 7-0.

RESOLUTIONS

Mr. Schweller read **Resolution No. 2015-C** authorizing Robert L. Baird, Mayor of the City of Bellbrook, to enter into an amended employment agreement with Mark A. Schlagheck, City Manager/Finance Director. This change was agreed upon at the last meeting and will increase the medical insurance waiver from \$5000 to \$7000 per year.

RECORD OF PROCEEDINGS

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Mr. Schweller made a motion to approve Resolution No. 2015-C. 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. Martin, yes; Mrs. Middlestetter, yes; Mayor Baird, yes. The motion was carried 7-0.

Mrs. Seger-Lawson read **Resolution No. 2015-D** authorizing the City Manager to enter into a letter agreement for the purchase of the City's cell tower lease.

Mr. Schlagheck shared information and options regarding leasing the cell tower. This tower has been there since 1997. The City owns the land and leases it to Crown Castle with an agreement until 2047. Currently the annual lease payment the City receives is \$32,031. This increases annually in July according to the Consumer Price Index. Recently the City has received two proposals from two different companies to purchase this lease. They are offering a lump sum of \$400,000 and \$432,000 with an additional 50% of any future rental fees they receive from the tower. This resolution would authorize the City Manager to enter into one of these agreements, as one agreement has an expiration date of February 11. Mr. Schlagheck asked for Council's input on selling the current lease.

Mayor Baird is not sure there is a right answer. There is speculation more carriers may be added to the tower. By approving this resolution it will give Mr. Schlagheck the authority to negotiate a deal. Council will have to approve any agreement. Mr. Schlagheck said this is a two-step process. He can enter into an agreement, but Council would have to approve any final agreement.

Council discussed the options and possibilities of selling the lease. No decision was made and Council decided to hold off on passing this resolution. Mr. Schlagheck will negotiate with the companies and report back to Council.

There was no motion by Council to approve Resolution 2015-D.

CITY MANAGER REPORT

Mr. Schlagheck reported on the Water Service Area agreement that the City is trying to negotiate with Greene County. The City offered \$1000 per tap in fee to the County and they have responded that they would like 50% of all tap in fees from the area they are giving up.

Mr. Schlagheck explained the developer installs the initial water lines and the taps in fees provide funds to the City to maintain those lines. Mr. Martin said he would like to see a flat dollar amount of \$1400 which is half of the current tap in fees. Mrs. Seger-Lawson asked if there is an opportunity to counter offer with \$1200. Mr. Edwards agrees with the flat rate of \$1400. Mrs. Middlestetter said that she thinks \$1400 is the best way to go. Mr. Schweller said that he thinks we should offer \$1200. The Mayor agreed we should offer \$1200 and be willing to go up to \$1400 per tap in.

Mr. Schlagheck shared that the new restaurant the Third Season is now open. It is in the old Frosty Eagle building.

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The Vemco/Firebird stormwater project will be completed this year. The drain that leads to the creek will be reconstructed to eliminate the stormwater issues. Sometime in March surveyors will be here surveying the area. The engineering should be done by July 1st and the project completed by the end of the year.

COMMITTEE REPORTS

Service: No report.

Safety: No report.

Finance/Audit: No report.

Community Affairs: Mrs. Middlestetter reported that Pat Campbell a former Council member is in the hospital with some health issues.

NEW BUSINESS

Mr. Schlagheck reviewed the Water System and Water Rates with Council. Mr. Schlagheck shared a video that the Service Department recently made, explaining how the City water System works. The video will be available on the City website for everyone to view. Mr. Schlagheck shared charts and graphs of the water produced, accounts billed, and average residential usage.

Mr. Schlagheck said the City is making the recommendation to not increase water rates for 2015. However, they are recommending increasing the tap in fees. These fees have not been increased since 2010.

Irrigation systems on City water are billed separate from household water bills and November is typically the largest bill, as that is the bill for August-October. There is also a minimum usage fee that must be paid even during months no water was used. Mr. Schlagheck is working with Mr. Wilson on getting this changed so residents will only receive one bill and propose that the minimum monthly fee for irrigations be eliminated.

Council agreed with raising the tap in fees and eliminating the minimum fee on irrigation systems. Mr. Schlagheck will prepare legislation to introduce at the next meeting.

Mr. Martin asked Mr. Wilson, how the installation of the wireless meters is going. Mr. Wilson said they are 75% complete and he has enough meters on hand to have them about 86% completed and the remainder of meters have been budgeted.

OPEN DISCUSSION

Mrs. Seger-Lawson thanked Dr. Scott Carlson for volunteering to serve on the Village Review Board.

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Brody Vaughn and John Malas, both of Troop 375 are attending the meeting to help earn their Community Merit Badge for Boy Scouts. Mayor Baird thanked them for coming and gave them each a City of Bellbrook pen.

ADJOURN

Being no further business to come before this regular session of Bellbrook City Council, Mayor Baird declared the meeting adjourned at 8:17 pm.

Robert L. Baird, Mayor

Carrie C. Smith, Clerk of Council

RECORD OF ORDINANCES

Ordinance No. 2015-1

February 23, 2015

CITY OF BELLBROOK, OHIO

ORDINANCE NO. 2015-1

AN ORDINANCE AMENDING CHAPTER 1610 OF THE BELLBROOK MUNICIPAL CODE ESTABLISHING THE FIRE CODE ENFORCED BY THE BELLBROOK FIRE DEPARTMENT.

WHEREAS, the City of Bellbrook has enacted Chapter 1610 of the Bellbrook Municipal Code which is entitled “Bellbrook Fire Department Unified Fire Code”; and

WHEREAS, the purpose of Chapter 1610 is to protect the peace, health, safety, and welfare of the citizens of Bellbrook; and

WHEREAS, Chapter 1610, “Bellbrook Fire Department Unified Fire Code,” defines the edition of the Fire Code that has been adopted; and

WHEREAS, the City of Bellbrook desires to update the Fire Code references in the Municipal Code.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY ORDAINS:

Section 1. That the following amendment to Chapter 1610 of the Bellbrook Municipal Code be approved with deletions shown by brackets and strikethrough and additions shown by italics and underlined:

§ 1610.01 “1994 Edition Adopted; Purpose” is hereby amended as follows:

Pursuant to Section 5.07 of the City Charter, there is hereby adopted and incorporated by reference as if set out at length herein, for the purpose of prescribing regulations for the safeguarding, to a reasonable degree, of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the use of occupancy of buildings or premises, *the Ohio Fire Code as promulgated in Chapter 1301:7 of the Ohio Administrative Code*~~[that certain Code known as the 1994 edition of the Unified Fire Code, consisting of the BOCA National Fire Prevention Code (1993 edition), as published by Building Officials and Code Administrators International, Inc., and the amendments contained therein from the Southwest Fire Safety Council Standards (1994)].~~

§ 1610.02 “Interpretation” is hereby amended as follows:

The [~~Unified~~] Fire Code, as adopted in Section 1610.01, shall not be construed to affect the responsibility of any party owning, operating or installing any equipment for damage to persons or property caused by any defect therein, nor shall the City be held as assuming any such liability by

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Ordinance No. 2015-1

February 23, 2015

reason of any inspection or re inspection authorized herein or any permit issued as herein provided, or by reason of the approval or disapproval of any equipment authorized herein.

§ 1610.99 “Penalty; Equitable Remedies” is hereby amended as follows:

- (a) Whoever violates any of the provisions of this Fire Prevention Code, including the [Unified] Fire Code adopted in Section 1610.01, or fails to comply therewith, or violates or fails to comply with any order made thereunder, or builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, for which no penalty is otherwise provided and for which no appeal has been taken, or fails to comply with such provision as affirmed or modified by the Code Official of the City or by a court of competent jurisdiction within the time fixed therein, is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, for each offense. When not otherwise specified, a separate offense shall be deemed committed each day during or on which a violation occurs or continues.
- (b) The imposition of any one penalty for any violation shall not excuse the violation or permit it to continue, and all persons who violate the [Unified] Fire Code shall be required to correct or remedy such violations or defects within a reasonable time period.
- (c) The application of the penalty provided herein shall not be held to preclude other additional remedies as provided by law.

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

PASSED this ____ day of _____, 2015.

Robert L. Baird, Mayor

Carrie C. Smith, Clerk of Council

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

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Ordinance No. 2015-2

March 9, 2015

CITY OF BELLBROOK, OHIO

ORDINANCE NO. 2015-2

AN ORDINANCE AMENDING CHAPTER 1042 OF THE BELLBROOK MUNICIPAL CODE RELATING TO INCREASE THE FEES CHARGED FOR TAP-INS.

WHEREAS, the City of Bellbrook provides water service to customers in Bellbrook and certain areas of Sugarcreek Township; and

WHEREAS, the City of Bellbrook charges a tap-in fee when development occurs; and

WHEREAS, these tap-in fees are required for the long term maintenance and improvement of the Bellbrook Water System; and

WHEREAS, the amount of this tap-in fee has not been increased since 2010.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY ORDAINS:

Section 1. That the following amendment to Chapter 1042 of the Bellbrook Municipal Code be approved with deletions shown by brackets and strikethrough and additions shown by italics and underlined:

§ 1042.08 is hereby amended as follows:

(a) Tap-in fees are hereby established as follows:

Meter Size (in.)	Tap-in Charge	
3/4 or less	[\$2,800.00]	<u>\$3,000</u>
1	[\$6,300.00]	<u>\$6,700</u>
1 1/2	[\$7,800.00]	<u>\$8,200</u>
2	[\$9,000.00]	<u>\$9,500</u>
2 1/2	[\$10,300.00]	<u>\$10,900</u>
3	[\$11,900.00]	<u>\$12,500</u>
4	[\$14,500.00]	<u>\$15,300</u>
6	[\$28,400.00]	<u>\$29,900</u>
8	[\$42,100.00]	<u>\$44,300</u>
10	[\$56,200.00]	<u>\$59,100</u>
12	[\$69,700.00]	<u>\$73,200</u>

(b) A tap-in/connection fee of [~~two thousand eight hundred dollars (\$2,800.00)~~] three thousand dollars (\$3,000) per unit shall be charged for multifamily dwellings and for multi-unit businesses served by a common entrance regardless of the number and sizes of meters required to provide

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Ordinance No. 2015-2

March 9, 2015

adequate service to the building. However, in the case of a multi-unit business building in which small offices share common restroom facilities and for which only one meter of one inch or more is required, the tap-in and connection fee shall be based upon the size of the one meter instead of the fee per unit shown above, upon request by the building owner and the approval of the City Manager. The number and sizes of the water meters required shall be commensurate with the usage and load of such establishment, as determined by the City Service ~~Superintendent~~ Director.

Section 2. That this ordinance shall take effect and be in force May 1, 2015.

PASSED this ____ day of _____, 2015.

Robert L. Baird, Mayor

Carrie C. Smith, Clerk of Council

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

RECORD OF RESOLUTIONS

Resolution No. 2015-E

February 23, 2015

CITY OF BELLBROOK, OHIO

RESOLUTION NO. 2015-E

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVANCE SICK LEAVE TO AN EMPLOYEE.

WHEREAS, full-time employees of the City of Bellbrook are credited with sick leave in the amount of one hundred twenty (120) hours per year; and

WHEREAS, employees are permitted to use this sick leave for injury or illness; and

WHEREAS, an employee has used their entire allotment and balance of sick leave for medical reasons; and

WHEREAS, the City of Bellbrook desires to advance sick leave to this employee to keep them in paid status.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY RESOLVES:

Section 1. That the City Manager is hereby authorized to advance sick leave to an employee in an amount not to exceed one hundred sixty (160) hours.

Section 2. That this advanced sick leave will be repaid by the employee using their future credit allotment. Once the advanced sick leave has been repaid, the employee shall begin to accrue sick leave credit.

Section 3. That this resolution shall take effect and be in force for a period of sixty (60) days.

Robert L. Baird, Mayor

Carrie C. Smith, Clerk of Council