



CITY OF BELLBROOK

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BELLBROOK CITY COUNCIL AGENDA

April 13, 2015

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 **March 23, 2015**
5. Mayor's Announcements / Special Guests
 - **Proclamation**, Motorcycle Awareness Month

6. Introduction of Ordinances

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

Ordinance No. 2015-4 Approve the re-zoning of 57, 65, 71 and 79 W Franklin Street from O-1 Central Business District (**Middlestetter**)

7. Adoption of Resolutions

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

Resolution No. 2015-L Authorizing the City Manager to execute a Water Service Area Agreement with the Greene County Board of Commissioners (**Schweller**)

Resolution No. 2015-M Declaring specific equipment no longer needed by the City Of Bellbrook as surplus property and authorizing the City Manager to dispose of said surplus property (**Edwards**)

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

8. City Manager's Report
9. Committee Reports

- A. Service
- B. Safety
- C. Finance/Audit
- D. Community Affairs

10. Old Business

11. New Business

12. Open Discussion

13. Adjourn

RECORD OF PROCEEDINGS

Minutes of Bellbrook City Council Meeting

March 23, 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, March 23, 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 **regular meeting minutes of March 9, 2015**, Mayor Baird declared the minutes approved as written.

SPECIAL GUESTS/MAYORS ANNOUNCEMENTS

Chris Ewing, Director of Bellbrook-Sugarcreek Chamber of Commerce, announced the Chamber office has moved to 41 W Franklin Street. The Chamber will celebrate with a grand opening in a few weeks. The next Chamber meeting is April 9th, 7:30 am, at Five Seasons. Senator Portman and Senator Turner will have representatives present and Representative Perales will attend the meeting himself.

The Community Garage Sale will be May 14th-16th, please register on the Chamber website or at the Chamber tent at the Sugar Maple Festival, April 24th-25th. Council and Ms. Ewing discussed options of getting rid of unwanted items after the garage sale days. Ms. Ewing will provide a list of options to those registering.

There was a Grand Re-Opening of the newly remodeled Bellhop Café last week. The new Third Season restaurant is open and they will have a grand opening when the weather is nicer. Ms. Ewing reminded everyone they must register to vote by April 6th in order to vote in May.

RESOLUTIONS

Mr. Edwards read **Resolution No. 2015-I** authorizing the City Manager to execute an amended joint self-insurance agreement with the Center for Local Government Benefits Pool.

Mr. Schlagheck explained the Health Insurance group pool and how it works. The pool is made up of 16 members and renews in August of each year. For a number of years there was a deficit in the pool however, in February the pool reported reserves in excess of \$800,000. The goal is to have the reserves at \$1.4 million. Mr. Schlagheck believes the renewal increase will be somewhere between

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zero and five percent for this year. Language in the agreement regarding withdrawing from the pool was updated and will take effect August 1, 2015.

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

Mr. Martin read **Resolution No. 2015-J** authorizing the City Manager to enter into a contract with the Ohio Department of Transportation Cooperative Purchasing Program for the purchase of road salt for the City of Bellbrook in its entirety.

The City has the option to purchase road salt through an ODOT bid. The request for salt through this bid is due April 3rd, and will be delivered in the summer. Another bid will be done again later in the year. The price is not yet known, however this will most likely help the City purchase salt at a lower price for 2015.

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

CITY MANAGER REPORT

The City is reviewing different fees that are charged. The fees for mowing grass vacant properties or properties in violation will be increased this year. The City has seen several properties that are using the City as a mowing service.

Sugarcreek Township Board of Zoning Appeals will hold a public hearing regarding the Kroger on Wilmington Pike and the installation of a fuel center.

The City received four bids for the water extension project. Mr. Schlagheck hopes to award the bid at the April 13th City Council meeting. All of the bids came in around \$70,000 higher than expected, however the scope of the project was enlarged so the entire project can be done at one time.

COMMITTEE REPORTS

Service: Mrs. Seger-Lawson shared a report from Mr. Dale Wilson. Mr. Wilson thanked Council for approving the purchase of the new truck; it will be ready in November. Pot holes are being repaired, the restrooms in the Winters Library have been updated and the Yellow Brick Road project will be completed for the Sugar Maple Festival.

Safety: No report.

Finance/Audit: No report.

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Community Affairs: A ribbon cutting and open house for the Yellow Brick Road project will be held in early May. Bricks can still be purchased.

NEW BUSINESS

Cuvee Wine Bar is in the process of renewing their liquor permit and per the Ohio Division of Liquor Control; the City has the opportunity to request a hearing before its approval. The Chief of Police has no objections to the renewal. Council has no objections. A hearing will not be requested.

OPEN DISCUSSION

Mr. Greenwood attended the Greene County Engineers annual meeting last week. Mr. Greenwood said that Mr. Geyer did not have a lot of good news to share.

Mrs. Seger-Lawson shared that DP&L has upgraded the electric in the Sugarcreek Plaza in hopes there will not be as many outages.

Mayor Baird attended the Bellbrook Booster Blast; it was a great event and well attended.

Chris Ewing, Chamber of Commerce, thanked Chief Doherty who sent officers to help with the Chamber move and make sure they were ok.

ADJOURN

Being no further business to come before this regular session of Bellbrook City Council, Mayor Baird declared the meeting adjourned at 7:45 pm.

Robert L. Baird, Mayor

Carrie C. Smith, Clerk of Council

RECORD OF ORDINANCES

Ordinance No. 2015-3

April 27, 2015

CITY OF BELLBROOK, OHIO

ORDINANCE NO. 2015-3

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

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

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

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY ORDAINS:

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

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

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

(1) Complaints.

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

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

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

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

(2) Elimination.

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

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

(B) Isolation of discharge;

(C) Track discharge to source;

(D) Institute temporary measures to halt discharge;

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

(F) Institute permanent measures to eliminate discharge;

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

(3) Enforcement and Penalties.

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

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

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

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

(d) Internal Inspections of Construction Sites

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Drainage Easements:

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

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

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

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

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

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

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

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

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

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

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

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

PASSED this ____ day of _____, 2015.

Robert L. Baird, Mayor

Carrie C. Smith, Clerk of Council

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

RECORD OF ORDINANCES

Ordinance No. 2015-4

April 27, 2015

CITY OF BELLBROOK, OHIO

ORDINANCE NO. 2015-4

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

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

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

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

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY ORDAINS:

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

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

PASSED this ____ day of _____, 2015.

Robert L. Baird, Mayor

Carrie C. Smith, Clerk of Council

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

RECORD OF RESOLUTIONS

Resolution No. 2015-K

April 13, 2015

CITY OF BELLBROOK, OHIO

RESOLUTION NO. 2015-K

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH THE GREENE COUNTY ENGINEER'S OFFICE FOR THE COLLECTIVE PAVING PROGRAM FOR 2015.

WHEREAS, the City of Bellbrook desires to participate with the Greene County Engineer in the competitive bid contract for the Collective Paving Program for 2015 as bid by the Greene County Engineer.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY RESOLVES:

Section 1. That the City Manager is hereby authorized to sign the attached agreement with the Greene County Engineer's office.

Section 2. That this resolution shall take effect and be in force immediately upon adoption.

Robert L. Baird, Mayor

Carrie C. Smith, Clerk of Council

RECORD OF RESOLUTIONS

Resolution No. 2015-L

April 13, 2015

CITY OF BELLBROOK, OHIO

RESOLUTION NO. 2015-L

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A WATER SERVICE AREA AGREEMENT WITH THE GREENE COUNTY BOARD OF COMMISSIONERS.

WHEREAS, the City of Bellbrook (City) and the Greene County Board of Commissioners (County) entered into an agreement on April 11, 1995 to coordinate the delivery of public water supply in Sugarcreek Township; and

WHEREAS, this Agreement expires on April 11, 2015; and

WHEREAS, the City and the County wish to approve a new Agreement.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY RESOLVES:

Section 1. That the City Manager is hereby authorized to execute the attached Water Service Area Agreement with the Greene County Board of Commissioners.

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

Robert L. Baird, Mayor

Carrie C. Smith, Clerk of Council

RECORD OF RESOLUTIONS

Resolution No. 2015-M

April 13, 2015

CITY OF BELLBROOK, OHIO

RESOLUTION NO. 2015-M

A RESOLUTION DECLARING SPECIFIC EQUIPMENT NO LONGER NEEDED BY THE CITY OF BELLBROOK AS SURPLUS PROPERTY AND AUTHORIZING THE CITY MANAGER TO DISPOSE OF SAID SURPLUS PROPERTY.

WHEREAS, the City of Bellbrook desires to maintain adequate equipment to be used by its personnel; and

WHEREAS, equipment no longer needed for use by City personnel may be declared as surplus property per Chapter 230 of the Bellbrook Municipal Code.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY RESOLVES:

Section 1. That the following equipment is hereby declared as surplus property:

2007 Ford Crown Victoria (Serial #2FAHP71W57X149693)

Section 2. That the City Manager is hereby authorized and directed to dispose of said property in accordance with Chapter 230 of the Bellbrook Municipal Code.

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

Robert L. Baird, Mayor

Carrie C. Smith, Clerk of Council

RECORD OF RESOLUTIONS

Resolution No. 2015-M

April 13, 2015

CITY OF BELLBROOK, OHIO

RESOLUTION NO. 2015-N

A RESOLUTION ACCEPTING THE BID SUBMITTED BY GM PIPELINE INC., FOR THE NORTH MAIN WATER MAIN IMPROVEMENTS PROJECT AND TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT IN CONNECTION THEREWITH.

WHEREAS, the City of Bellbrook advertised for bidders for the North Main Water Main Improvements Project according to specifications prepared by the City's engineer, and

WHEREAS, GM Pipeline Inc. was the lowest and best bidder for the project.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY RESOLVES:

Section 1. That the bid submitted by GM Pipeline Inc. for the North Main Water Main Improvements Project with a bid price of \$503,482.76 is hereby accepted.

Section 2. That the City Manager is hereby authorized to do all things necessary to execute a contract with GM Pipeline Inc. as stated above.

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

Robert L. Baird, Mayor

Carrie C. Smith, Clerk of Council