

**BELLBROOK CITY COUNCIL AGENDA**  
**February 27, 2017**



City of Bellbrook  
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**6:30 pm- Work Session**

**7:00 pm-Regular Meeting**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Formal Approval of the City Council Work Session and Regular Meeting Minutes of **February 13, 2017.**
5. Mayor's Announcements/Special Guest
  - Fire Chief Jim Neidhard-Fire Department 2016 Annual Report
6. Public Hearing of Ordinances
7. Introduction of Ordinances

**Ordinance 2017-1-** An Ordinance Adopting and Enacting a New Code for the City of Bellbrook Providing for the Adoption and Publication of New Matter in the Updated and Revised Codified Ordinances and Repealing Ordinances and Resolutions in Conflict Therewith. (Middlestetter)

**Ordinance 2017-2** An Ordinance Amending Part Four – Traffic Code of the Bellbrook Municipal Code. (Edwards)

**Ordinance 2017-3** An Ordinance Amending Part Six – General Offenses Code of the Bellbrook Municipal Code. (Schweller)

8. Resolutions
9. City Manager's Report
10. Committee Reports
  - A. Service
  - B. Safety
  - C. Finance/Audit
  - D. Community Affairs
11. Old Business
12. New Business
13. Open Discussion
14. Adjourn



# RECORD OF PROCEEDINGS

Minutes of Bellbrook City Council Meeting

February 13, 2017

**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, February 13, 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 and regular meeting minutes of January 23, 2017** Mayor Baird declared the minutes approved as written.

## **MAYOR'S ANNOUNCEMENTS/SPECIAL GUEST**

Susan Lopez and Nancy Pestian from the Bellbrook Sugarcreek Family Resource Center came to update Council on the Family Resource Center. Susan said the Resource Center has transitioned from a County Agency to a non-profit organization. She said that funding is their biggest concern but most programs have transitioned smoothly. The Resource Center has done several fund raisers and also is actively pursuing grant money. Both Susan and Nancy thanked the community for coming together to support the Family Resource Center. Mr. Schlagheck said the City has \$1,000 in the budget to contribute to the Center. He asked Council and they all agreed to the contribution. The Mayor thanked Nancy and Susan for coming to the meeting.

**Police Chief Doug Doherty** presented the 2016 Annual Report for the Police Department. Chief Doherty first spoke of traffic enforcement statistics; warnings and arrests were up 80%. He attributes this directly to the Officers use of the MDT's that were purchased last year. He said the officers are constantly checking plates and vehicles while on patrol.

Chief Doherty said last fall, Lieutenant Carmin attended FBI training. It provided great training and was a good opportunity. The Chief said that over the next couple of years, the two Police Sergeants will attend this FBI training.

Chief Doherty invited Lieutenant Carmin to come up to speak about the Ohio Collaborative Certification. Chief Doherty said Lieutenant Carmin was instrumental in getting this approved for the department. Lieutenant Carmin said in December, the Bellbrook Police Department was certified as meeting state standards established by the Ohio Collaborative Community-Police Advisory Board. Over 120 agencies across the state have become certified by meeting rigorous standards for the use of force and agency recruitment. The standards are the first of their kind in Ohio. Lieutenant Carmin

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said this establishes a high standard for the department and it makes the department transparent to the public.

Next, Chief Doherty talked about goals and objectives of last year. The department hosted a national night out event. The department actively participated in school and community events. Chief Doherty said the department will be getting body worn cameras this year. They also participated in joint training with Sugarcreek Township Police.

Chief Doherty next spoke about criminal statistics. Felony theft and ID theft have dropped along with vandalism/criminal damaging. The Chief says the more the officers are in the community either walking, patrols or bike patrol; we will see these numbers decline. Chief Doherty reminded residents to keep their house and vehicle doors locked.

Chief Doherty spoke about traffic accidents. He said the officers run radar on State Route 725 where they get a lot of their accidents. He said the officers are also in tune when they are out in the community. Information can be communicated and an officer can be in a neighborhood quickly.

Chief Doherty said in 2016, Officers had to complete 11 hours of continuing professional training. Trainings included: FBI terrorism training, shoot don't shoot training and the driver simulation training. Detective Vetter received ALICE Instructor training. He will now be able to assist Lieutenant Carmin. Mrs. Seger-Lawson asked if the department does simulations with the schools. Chief Doherty said yes, it was more of a class room training about a year ago.

The department has a new LiveScan fingerprinting system. This system is quicker and cleaner. Sargent Salyers was given this project to go forward with. He was able to get the system with only a maintenance fee going forward.

Chief Doherty said there were only three times in 2016 that the officers had to use force. He said that is a positive for the department.

The bike patrol expanded in 2016. The two reserve officers are now part of the bike patrol. Officer Johnson would work all three shifts during the year. He is responsible for getting the hours of bike patrol from 33 to 148. Chief Doherty said perhaps this can be attributed to the decline in some of the criminal statistics.

Chief Doherty spoke of Officer Recognition. Sargent Salyers performed CPR to help save a life. Other recognitions include: auto theft, drug arrest and community involvement ribbons. Chief Doherty said this is good for morale and also for the citizens to see that officers are doing things that are worthy to receive recognition.

Lastly, Chief Doherty showed pictures of officers being involved in the community. The entire Police Department 2016 annual report can be viewed on the City's website.

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Mr. McGill said he has read the entire report and it is very detailed, concise and comprehensive report. It informs the community what is going on within the Police Department. Mr. McGill also said that accreditation is hard to attain and that Lieutenant Carmin and the entire staff should be congratulated. He also said that Chief Doherty does a great job with forging the bond between the police and the community.

Mr. Greenwood said community policing is a bench mark here in Bellbrook. He said Chief Doherty is winning the trust of the community.

Mr. Edwards said that Chief Doherty's pride and enthusiasm trickles down to the entire team. He said the City of Bellbrook is lucky to have such a dedicated force.

Mrs. Seger-Lawson said she is glad that the Police Department has embraced the new technology such as the MDT's and the new finger print machine.

Mr. Schweller said he is pleased with the activities in community policing that is being done. He also said the bike patrol seems to be very effective. He told Chief Doherty to keep up the good work.

Mayor Baird thanked Chief Doherty and the entire department for their service.

## PUBLIC HEARING OF ORDINANCES

## INTRODUCTION OF ORDINANCES

## RESOLUTIONS

**Mrs. Seger-Lawson read Resolution 2017-I.** A resolution authorizing the City Manager to enter into a contract for planning services with the Regional Planning and Coordinating Commission of Greene County. This is related to the update of the Comprehensive Plan which was last updated in 1974. The areas of focus include: the Old Village downtown area, State Route 725/Franklin St., existing neighbors and walkability and connectivity within the community. Mr. Schlagheck said the City will solicit input from the community, Planning Board, Board of Zoning Appeals and anyone else that has input. Mr. Schweller said in the past there have been hearings and citizens have questioned why the plan from 1974 is still being followed. Mr. Schweller said the Comprehensive Plan is what was laid out for the City. He said it is important to keep it current.

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

**Mr. Greenwood read Resolution 2017-J.** A resolution approving the replat of Lots #22-27 into Lots #22A, #23A, #24A, #25A, #26A, #26B and #27A, Highview Terrace Subdivision Section II. This replat is necessary with the abandonment of River Birch Way that was included in the revised preliminary plan. Mrs. Seger-Lawson asked if the City's Engineer have looked at these plans. Mr. Schlagheck said

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yes, all of the plans are looked over by the City's Engineer. Also the Planning Board has approved this replat.

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

**Mr. McGill read Resolution 2017-K.** A resolution approving the recording of the Highview Terrace Subdivision, Section Three, Phase One. This approval will allow the lots in Section 3, Phase 1 to be recorded with Greene County. After recording, the lots will be available to sell to homeowners and/or builders. Mrs. Seger-Lawson was on the Planning Board when these plans first came around. She wanted a walk way or a path through the woods. There was land dedicated for this walkway/path. She is concerned since it is not designated on these plans as a walkway/path, there will be confusion in the future. Mr. Schlagheck said the piece of land that is dedicated for the walkway/path has not been deeded to the City because these plans have not yet been recorded. There will be a gravel type walking path. The path will get you to the south end of Magee Park; the issue will be crossing over the creek. Once this land is deeded to the City, the City can begin to establish this pathway.

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

## **CITY MANAGER REPORT**

Mr. Schlagheck continues to review items from 2016. There were 151 zoning permits issued. Permits for fences and single family homes have increased from previous years. There were 151 property violations received. An additional 24 violations were received but were determined to be unfounded. There were 4 cases that went to the Property Review Commission and 2 of those cases are in court. There were 41 grass mowing complaints. The Service Department only had to mow grass 8 times. This is a decrease from previous years; Mr. Schlagheck said it goes along with the decrease in foreclosures in the area.

Next, Mr. Schlagheck reviewed with Council the electric usage for 2016. Last year the City implemented LED lighting in the buildings. For each of the primary four buildings, Mr. Schlagheck said we saw between a 16 to 38 percent drop in usage. While he said the decrease might not all be attributed to the conversion of the LED lighting, it does appear that the LED lighting is paying dividends.

Last week Mr. Schlagheck said the Governor introduced his bi-annual budget. One item Mr. Schlagheck wanted to mention was the Governor wants to change the formula of the local government fund. The change is not in the amount of money but in how the money is distributed. Bellbrook is a city of greater than 5,000 with no income tax, so Mr. Schlagheck said we are held harmless. He does not think the City's share of the local government fund will change much.

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On April 12<sup>th</sup> there is a Walkable Community Workshop. The proposal is to start at 11:30 with lunch provided. After a one hour introduction, participants will go out and walk the downtown community. Mr. Schlagheck said we are looking to gather information from a different perspective of the downtown area. This workshop will tie into the Comprehensive Plan update.

## **COMMITTEE REPORTS**

**Service:** No Report.

**Safety:** No Report.

**Finance/Audit:** No Report.

**Community Affairs:** No Report

## **OLD BUSINESS-**

### **NEW BUSINESS-**

Mr. Schlagheck reviewed with Council the water rates. He gave an overview of the usage. In 2016, 300 million gallons of water was produced by the water system. This is an increase from previous years. There was a slight increase in the water fund balance. The water fund is designated for capital projects to maintain the water system. On a monthly basis, water is charged at a rate of \$8.90 for the first 1,000 gallons and \$3.90 per 1,000 gallons thereafter. The rate for irrigation is \$4.75 per 1,000 gallons. Since 2011 there has not been an increase in the water rates. Tap in fees collected have increased and will continue with the new developments. Mr. Schlagheck said the staff recommendation is to not increase the water rates for 2017.

## **OPEN DISCUSSION-**

Mrs. Middlestetter said February is "Teen Dating Violence Awareness Month". On February 25 at Five Seasons, there will be an event "Walk a Mile in their Shoes". You can register through the Family Violence Prevention Center in Xenia.

**Ryan Cross-2221 Hillrise Circle-** Ryan is Boy Scout that came to Council. He is working on his citizenship in the community badge. Mayor Baird thanked Ryan for coming to the meeting tonight.

## **ADJOURN**

Being no further business to come before this regular session of the Bellbrook City Council, Mayor Baird declared the meeting adjourned at 8:28 pm.

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Robert L. Baird, Mayor

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Jami L. Kinion, Clerk of Council



# RECORD OF ORDINANCES

Ordinance No. 2017-1

March 27, 2017

## City of Bellbrook

### Ordinance No. 2017-1

#### **An Ordinance Adopting and Enacting a New Code for the City of Bellbrook Providing for the Adoption and Publication of New Matter in the Updated and Revised Codified Ordinances and Repealing Ordinances and Resolutions in Conflict Therewith.**

WHEREAS, the Municipal Code Corporation has completed its initial updating and revision of the Codified Ordinances of the City; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council since the date of the last updating and revision of the Codified Ordinances (November 25, 2013) and have been included in the Codified Ordinances of the City.

#### **Now, Therefore, the City of Bellbrook Hereby Ordains:**

Section 1. That the Code of Ordinances for the City of Bellbrook, published by the Municipal Code Corporation, consisting of parts 1 through 14, each inclusive, is adopted.

Section 2. That all ordinances of a general and permanent nature enacted on or before July 9, 2016, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. Additions or amendments to the Code when passed in such form as to indicate the intention of the City of Bellbrook to make the same part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 4. Ordinances adopted after July 9, 2016, that amend or refer to ordinances that have been codified in the Code, shall be construed as if they amend or refer to like provisions of the Code.

Section 2. This ordinance shall take effect May 1, 2017.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Robert L. Baird, Mayor

\_\_\_\_\_  
Jami L. Kinion, Clerk of Council

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



# RECORD OF ORDINANCES

Ordinance No. 2017-2

March 27, 2017

## City of Bellbrook

### Ordinance No. 2017-2

#### **An Ordinance Amending Part Four – Traffic Code of the Bellbrook Municipal Code.**

WHEREAS, the City of Bellbrook periodically reviews its policies and procedures; and

WHEREAS, the City has determined that sections of the Traffic Code contain incorrect/outdated references to other Code sections; and

WHEREAS, the City desires to correct these incorrect/outdated references.

#### **Now, Therefore, The City of Bellbrook Hereby Ordains:**

Section 1. That the following amendments to Chapter 408 “Penalties” of the Bellbrook Municipal Code be approved with deletions shown by brackets and strikethrough and additions shown by italics and underlined:

§408.01 Penalties for misdemeanor.

Whoever is convicted of or pleads guilty to a misdemeanor, or minor misdemeanor shall be sentenced in accordance with [~~Section 698.02~~] ORC Chapter 2929.

Section 2. That the following amendments to Chapter 440 “Commercial and Heavy Vehicles” of the Bellbrook Municipal Code be approved with deletions shown by brackets and strikethrough and additions shown by italics and underlined:

§440.01 LOAD LIMITS.

- (b) Special Permits. The Chief of Police may, upon application in writing and for good cause shown, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination or vehicles of a size or weight of vehicle or load exceeding the maximum specified in [~~subsection (b) hereof and Section 440.02 or otherwise not in conformity with Chapter 438~~] ORC 5577.05, upon any street or other public place. Any such permit may be issued for a single or round trip or, in special instances, for a certain period of time. The Chief may issue or withhold a permit or, if a permit is issued, may limit or prescribe conditions of operation for a vehicle and require a bond or other security necessary to compensate for any damage to a roadway or road structure. Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or other lawful authority. No person shall violate any of the terms of a permit.

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

# RECORD OF ORDINANCES

Ordinance No. 2017-2

March 27, 2017

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Robert L. Baird, Mayor

\_\_\_\_\_  
Jami L. Kinion, Clerk of Council

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

# RECORD OF ORDINANCES

Ordinance No. 2017-3

March 27, 2017

## City of Bellbrook

### Ordinance No. 2017-3

#### **An Ordinance Amending Part Six – General Offenses Code of the Bellbrook Municipal Code.**

WHEREAS, the City of Bellbrook periodically reviews its policies and procedures; and

WHEREAS, the City has determined that sections of the General Offenses Code contain incorrect/outdated references to other Code sections; and

WHEREAS, the City desires to correct these incorrect/outdated references.

#### **Now, Therefore, The City of Bellbrook Hereby Ordains:**

Section 1. That the following amendments to Chapter 618 “Animals” of the Bellbrook Municipal Code be approved with deletions shown by brackets and strikethrough and additions shown by italics and underlined:

§618.13 Nuisance conditions prohibited.

(d) Any violation of [~~Section 618.01~~] ORC Chapter 955 within six months of a previous violation thereof shall be a prima-facie violation of this section.

(e) The Municipal Attorney may proceed by civil action in any court of record to obtain an abatement order under this section.

(f) Whoever violates any of the provisions of this section is guilty of maintaining a public nuisance, a misdemeanor of the fourth degree. The penalty shall be as provided in [~~Section 698.02~~] ORC Chapter 2929. In addition to imposing the appropriate punishment the court shall order such nuisance to be abated.

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