

BELLBROOK CITY COUNCIL AGENDA
September 25, 2017



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

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www.cityofbellbrook.org

**5:45 Joint Meeting with Sugarcreek Township, Bellbrook
Sugarcreek Schools and Bellbrook Sugarcreek Park District**

7:00 pm-Regular Meeting

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Formal Approval of the City Council Regular Meeting Minutes of September 11, 2017.
5. Mayor's Announcements/Special Guest
 - Recognition of Lifesaving Actions– Mary Caldwell & Christy Banford.
 - Beautification Awards for 2017, presented by Bronne Wilson

Area A

Dale and Joyce Conley-2256 Tampico Trail
Josh and Danielle Gross-2139 South Lakeman Dr.

Area B

Jim and Melissa Jordan-2094 Rosecrest Dr.
Bill and Ruth Peffly-2345 Portage Path

Area C

Ken and Anna Knisley-4240 Whites Dr.
Scott and Suzette Hopkins-4227 Woodacre Dr.
Randy and Debbie Derr-4068 Glenberry Ct.

Area D

Phil and Tammy Harris-117 Belair Circle

Area E

Jim and Cindy Sharp-3930 Northfield Dr.
Everett and Lynn Odgers-4001 Sable Ridge Dr.

Business Winners

Brookview Swim & Tennis Club-2480 Periwinkle Dr.-Sophia Briley
State Farm-22 South Main St.-Manager Thad Camp
Floral V Design- 24 South Main St.-Owner Cady Vance

6. Public Hearing of Ordinances

Ordinance 2017-8 An Ordinance Amending Chapter 1450 “Property Maintenance Code” of the Bellbrook Municipal Code. (McGill)

7. Introduction of Ordinances

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
September 11, 2017

PRESENT: Mr. Nick Edwards
Mr. Forrest Greenwood
Mr. Darryl McGill
Mrs. Dona Seger-Lawson
Deputy Mayor Mike Schweller
Mayor Bob Baird

ABSENT: Mrs. Elaine Middlestetter

Mrs. Middlestetter was absent. **Mr. McGill moved to excuse Mrs. Middlestetter.** Mrs. Seger-Lawson seconded the motion. The Clerk called the roll: Mr. McGill, yes; Mrs. Seger-Lawson, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion carried 6-0.

This is a summary of the City Council meeting held on Monday, September 11, 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 regular meeting minutes of August 28, 2017 Mayor Baird declared the minutes approved as written.

MAYOR'S ANNOUNCEMENTS/SPECIAL GUEST

Representatives from the Military Order of the Purple Heart were present tonight. In formation, they presented the American Flag and we all joined in the Pledge of Allegiance. Next, Mayor Baird read a Proclamation that declares the City of Bellbrook a Purple Heart City. This proclamation encourages the citizens of Bellbrook to show their appreciation for the sacrifices of the Purple Heart recipients. The Mayor and Council said it was an honor to have the Military Order of the Purple Heart at the meeting tonight. They also thanked them for their sacrifice and service.

PUBLIC HEARING OF ORDINANCES

Mr. Edwards **read Ordinance 2017-7** An Ordinance Approving a Solid Waste and Recyclable Material Collection and Disposal Contract with Rumpke of Ohio, Inc. Mr. Schlagheck said this is a five year contract with Rumpke. The City participated in a joint bid with three other cities. We only received one bid but it was a competitive bid from Rumpke. Mr. Schlagheck said this is about a 6% increase but the price is locked for five years. In the short term, Mr. Schlagheck said the cost to the residents will not need to increase. The Mayor and Council said they thought this was a good deal for the citizens.

Being a public hearing Mayor Baird opened up for public comment. Seeing no comments from the public the Mayor closed the public hearing and asked for a motion. Mr. Edwards made a motion to **adopt Ordinance 2017-7**. Mr. McGill seconded the motion. The Clerk called the roll: Mr. Edwards, yes; Mr. McGill, yes; Mr. Greenwood, yes; Mrs. Seger-Lawson, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion carried 6-0.

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Minutes of Bellbrook City Council Meeting

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INTRODUCTION OF ORDINANCES

Mr. McGill **read Ordinance 2017-8** An Ordinance Amending Chapter 1450 "Property Maintenance Code" of the Bellbrook Municipal Code. Mr. Schlagheck said in summary, this ordinance gives the City another tool to enforce property maintenance violations. This will allow the City to enforce civil penalties, which ultimately will allow the City to place a lien on their property to receive payment. Mrs. Seger-Lawson asked if residents have time to remedy the issues before any fines are issued. Mr. Schlagheck said we send multiple letters. He said the City seeks voluntary compliance before any fines would be issued. Mr. Edwards asked if the fines were mandatory or discretionary. Mr. Schlagheck said they are discretionary. He said the City can still prosecute criminally but it can depend upon the severity of the offense and the willingness of the property owner to work with the City. Mr. Edwards also asked who will charge these fines. Mr. Schlagheck said the staff will have the ability to issue a fine but ultimately the property owner can appeal to the Property Review Commission. This ordinance will be set for a public hearing to be held at the September 25th Council meeting.

Mr. McGill made a motion to **introduce Ordinance 2017-8**. Mr. Greenwood seconded the motion. The Clerk called the roll. Mr. McGill, yes; Mr. Greenwood, yes; Mr. Edwards, yes; Mrs. Seger-Lawson, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion carried 6-0.

RESOLUTIONS

Mr. Schweller **read Resolution 2017-BB** A Resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor. Mr. Schweller said this is required each year by the auditor to levy taxes in 2018. Mr. Schlagheck said this resolution would need to be amended if the levy passes in November.

Mr. Schweller made a motion to **adopt Resolution 2017-BB**. 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; Mayor Baird, yes. The motion carried 6-0.

CITY MANAGER REPORT

Mr. Schlagheck said the annual Fire Department open house is on Tuesday, October 10th from 6-9 pm at the Fire Station on East Franklin St.

Also, the week of October 9th is hydrant flushing. This is done annually to clear out any sediment that may have settled in the water system. Mr. Schlagheck said additional information can be found on the City's website.

Next, Mr. Schlagheck said there will be a joint meeting with the Township, School District and Park District prior to the next Council meeting on September 25th at 5:45. The meeting is opened to the public.

Lastly, Mr. Schlagheck provided Council with a draft of a post card with information about the levy. He said it will go out to residents in early October. He said if Council has any suggestions or changes, please let him know. Mr. Schlagheck also said he would like to hold a couple of informational meetings

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for residents and businesses. A couple tentative dates are Tuesday October 3rd at 6:00 pm and Wednesday October 11th at 3:00 pm. He asked Council if they had any preferences of the dates to let him know. Mr. Schlagheck said to check out our website for information on the levy. If residents still have questions they can call and we will be happy to answer any questions.

Mr. Edwards asked Mr. Schlagheck if the City will have to order road salt this year. Mr. Schlagheck said the salt barn is at capacity and we are storing salt down by the Ohio River because we needed so little salt last year. We will need to take delivery of that by the end of the year to avoid storage fees. Mr. Schlagheck said at this point, he does not think we will need any additional salt.

Mr. Schweller asked if any residents have called the office or inquired from the website regarding the levy. Mr. Schlagheck said he has not received any calls or emails. He said we want to make sure residents are aware of the levy on the ballot. We will get the post card out soon with information about the levy and what the needs are.

COMMITTEE REPORTS

Service: No Report.

Safety: No Report

Finance/Audit: Mr. Schweller asked Mr. Schlagheck about the State audit. Mr. Schlagheck said he just received an email this afternoon to schedule the post audit meeting.

Community Affairs: No Report

OLD BUSINESS-

NEW BUSINESS

OPEN DISCUSSION-

A representative from the Military Order of the Purple Heart presented the City Manager and Council Members with a Purple Heart Challenge Coin. Mayor Baird again said it was an honor to have them at the meeting tonight.

Mrs. Seger-Lawson asked if the City is going to put up any signage regarding the Purple Heart City designation. Mr. Edwards said they have had some discussion about the Purple Heart designation and they will get something done.

Mr. Greenwood thanked Council Member Edwards in his efforts to get the Purple Heart designation.

Mr. McGill said this is very exciting for the City and it is long overdue. He appreciates everyone involved to make Bellbrook a Purple Heart City.

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Mrs. Seger-Lawson said we do have a lot of military families in our community and it is important to recognize them. She also reminded residents to call DP&L if their power goes out due to the remnants of hurricane Irma coming into the area soon.

Mr. Schweller thanked the Military Order of the Purple Heart for coming to Council tonight.

ADJOURN

Being no further business to come before this regular session of the Bellbrook City Council, Mayor Baird declared the meeting adjourned at 7:41 pm.

Robert L. Baird, Mayor

Jami L. Kinion, Clerk of Council

RECORD OF ORDINANCES

Ordinance No. 2017-8

September 25, 2017

City of Bellbrook

Ordinance No. 2017-8

An Ordinance Amending Chapter 1450 “Property Maintenance Code” of the Bellbrook Municipal Code.

WHEREAS, the City of Bellbrook has enacted Chapter 1450 of the Bellbrook Municipal Code which is entitled “Property Maintenance Code”; and

WHEREAS, the purpose of Chapter 1450 is to protect the peace, health, safety and welfare of the citizens of Bellbrook; and

WHEREAS, the City desires to amend Chapter 1450 of the Bellbrook Municipal Code to allow for the assessment of civil penalties for violations of the Property Maintenance Code.

Now, Therefore, The City of Bellbrook Hereby Ordains:

Section 1. That the following amendments to Chapter 1450 “Property Maintenance Code” of the Bellbrook Municipal Code be approved with additions shown by italics and underlined and deletions shown by strikethrough and brackets:

§1450.11. - Notices and orders.

(a) Informal resolution of violation. The Code Official may, at his or her discretion, attempt to informally resolve violations or suspected violations of this Code without issuing the notices and orders in the manner prescribed below. The Code Official shall be encouraged to utilize this procedure to the extent practical to achieve compliance with this Code.

(b) Formal resolution of violations; notice.

- (1) When the Code Official is unsuccessful in achieving compliance with this Code using the informal procedure prescribed above, or, at his or her discretion, does not utilize the informal procedure described above, then the Code Official shall utilize the following formal procedure to resolve a violation or suspected violation of this Code.
- (2) Whenever the Code Official determines that there has been a violation of this Code or has reasonable grounds to believe that a violation has occurred, or whenever the Code Official has condemned any structure or equipment under the provisions of this Code, notice shall be given to the owner or the person or persons responsible therefor in the manner prescribed below. If the Code Official has condemned the property or part thereof, the Code Official shall give notice to the owner and to the occupants of the intent to placard and to vacate the property or to order equipment out of service.

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- (c) Form of notice. Such notice prescribed above shall:
- (1) Be in writing;
 - (2) Include a description of the real estate sufficient for identification;
 - (3) Include a statement of the reason or reasons why it is being issued;
 - (4) Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code; ~~and~~
 - (5) Include a statement that civil and criminal penalties may be assessed if the repairs and improvements required are not completed by the stated date;
- ~~[(5)]~~ (6) Inform the property owner of the right to appeal to the Bellbrook Property Review Commission. If a property owner desires such an appeal, a notice of appeal must be filed with the Code Official within twenty (20) days from receipt of the notice.
- ~~[(6)]~~ (7) When applicable, include a statement of the right to file a lien.
- (d) Method of service. Such notice shall be deemed to be properly served if a copy thereof is:
- (1) Delivered personally;
 - (2) Sent by certified or first-class mail to the last known address; or
 - (3) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.
- (e) Service on occupant. When a condemnation order is served on an occupant other than the owner or person responsible for compliance, a reasonable time to vacate the property after noncompliance shall be stated. Owners or persons responsible for compliance must vacate at the time set for correction of defects if there is failure of compliance.
- (f) Penalties. Penalties for noncompliance with orders and notices shall be as set forth in this Code.
- (g) Transfer of ownership. No owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served, shall sell, transfer, mortgage, lease or otherwise dispose of the property to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of

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violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

§1450.99. - Violations: legal and equitable remedies.

(a) Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this Code.

(b) Any person failing to comply with a notice of violation or order served in accordance with this Code shall be deemed guilty of a misdemeanor of the fourth degree and shall not be fined more than two hundred fifty dollars (\$250.00) or imprisoned not more than 30 days, or both, and the violation shall be considered a strict liability offense.

(c) If the notice of violation is not complied with, the Code Official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto.

(d) Any action taken by the City on such premises shall be charged against the real estate upon which the structure is located and shall be certified to the County Auditor for collection, the same as other taxes and assessments are collected.

(e) A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(f) In addition to any other remedy or penalty provided in the Property Maintenance Code or the Ohio Revised Code, an owner who fails to comply with a notice of violation or order served in accordance with this Code may incur a civil penalty.

(g) The Code Official shall provide notice to the owner of a civil penalty in accordance with Section 1450.11 Notices and Orders.

(h) Any violation of the Property Maintenance 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.

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

(j) Any violation of the Property Maintenance 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.

~~(k)~~ (k) Nothing herein contained shall prevent the City from taking such other lawful action as necessary to prevent or remedy any violation.

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

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PASSED this ____ day of _____, 2017.

Robert L. Baird, Mayor

Jami L. Kinion, Clerk of Council

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