

BELLBROOK CITY COUNCIL AGENDA
September 9, 2019



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

T (937) 848-4666
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www.cityofbellbrook.org

6:30 pm- Pending Work Session to discuss Deputy Mayor and Council Committees

7:00 pm-Regular Meeting

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Formal Approval of the Regular and Special Meeting Minutes of August 26, 2019
5. Mayor's Announcements/Special Guests
 - Karen Puterbaugh, Executive Director Greene County Council on Aging
6. Public Hearing of Ordinances
7. Introduction of Ordinances
 - Ordinance 2019-14 An Ordinance Amending Ordinance 2018-6 to Adjust the City of Bellbrook Appropriations for 2019 (Edwards)
 - Ordinance 2019-15 An Ordinance Adding Section 18.41 Demolitions to the City of Bellbrook Zoning Code. (Van Veldhuizen)
8. Resolutions
 - Resolution No. 2019-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 (Seger-Lawson)
 - Resolution No. 2019-CC A Resolution Authorizing the City Manager to Enter into a Contract with Ohio Department of Transportation for Bridge Inspection Program Services (McGill)
9. City Manager's Report
10. Committee Reports
 - A. Service
 - B. Safety
 - C. Finance/Audit
 - D. Community Affairs – Opening on the Planning Board
11. Old Business
 - Selection of Deputy Mayor
 - Standing Committee Designation
12. New Business
 - Chad Clemens Lot Request Information
 - 2020 Budget Schedule
 - Sidewalk Regulations Discussion
 - Special Event Permit Discussion
13. Open Discussion
14. Executive Session – Real Estate Transaction for Bellbrook Mountain
15. Adjourn

RECORD OF PROCEEDINGS
Minutes of Bellbrook City Council Meeting
August 26, 2019

PRESENT: Nick Edwards
Forrest Greenwood
Darryl McGill
Elaine Middlestetter
Dona Seger-Lawson
Mayor Mike Schweller

This is a summary of the City Council meeting held on Monday, August 26, 2019. Mayor Schweller called the meeting to order at 7:00 pm and the Clerk called the roll.

ROLL CALL

Mr. Edwards, yes; Mr. Greenwood, yes; Mr. McGill, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Mayor Schweller, yes.

FORMAL APPROVAL OF MINUTES

After polling members of City Council, as there were no corrections or additions to the regular meeting minutes of August 12, 2019 Mayor Schweller declared the minutes approved as written.

MAYOR'S ANNOUNCEMENTS/SPECIAL GUEST

Mayor Schweller administered the oath of office to Dr. David Van Veldhuizen. Council interviewed nine candidates for the position. Dr. Van Veldhuizen has been serving as the Chair of the Planning Board and the Council members believes he will be a great addition to Council. The Mayor invited to take his seat for the remainder of the meeting.

Tony Cali, owner of a local All State Insurance office, Revitalization community organization. After the Revitalization meetings led by consultant Jeff Siegler, there has been a positive response and a community group is being formed to support various efforts of Bellbrook. An Executive Committee has been selected and regular meetings will begin on September 10 and will be held on Thursdays through November. A name and mission statement will be chosen in the coming months. The plan is to operate as a hub for collecting ideas, talent, volunteers and aiding small group efforts. A local IT person is researching software that could tie in the database that is being created and communications. The database of citizen's skill sets is a must for utilizing people's passions to complete service projects. Some of the efforts will come from the revitalization ideas while others will be focused on maintaining the historic charm of the area. The goal is to have two projects underway by February. The committee represents residents, businesses, and property owners. Mr. Cali opined that he would define success as the committee with community support identifying projects, raising funding, organizing volunteers to complete projects with clear and cooperative input. The committee is made up of himself as the Chair, Melissa Jones as Secretary, Christina Pearson as Treasurer, and Brian Koch, Pam Cook, Pete Wixtred, and Jen Bock as committee members.

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Ashley Puchalski was representing the High School Football Cheerleaders requested permission to decorate around downtown next Wednesday before the first home game. They have done this in previous years and they always clean everything up at the end of the season. They know the rules for where decorations can be placed. Council is happy to allow this again this year.

PUBLIC HEARTING OF ORDINANCES - none

INTRODUCTION OF ORDINANCES - none

RESOLUTIONS

Mr. Greenwood read **Resolution 2019-X A Resolution Designating the Kindness All Around Symbol as the Official symbol of Kindness for Bellbrook, Ohio.**

City Manager Mrs. Dodd explained that last Thursday Mrs. Elizabeth Davis brought this proposal to her. Elizabeth Davis, 4088 Nedra Drive, explained that she is friends with the kindergarten teacher in Florida whose class started this project because her students felt people need to show more kindness all around. They are working to take this symbol national.

Mrs. Dodd was inspired by the idea and thought it would be a wonderful idea to paint the symbol on the city garage door as a picture/selfie spot during the Lion's Club Bellbrook Summer Festival that weekend. Five people including Chief Doherty, Misti Garcia, and Melissa Jones joined Mrs. Davis and Mrs. Dodd to paint the symbol.

Mrs. Davis shared all of this with the Florida teacher, Barb Wilcox, who was thrilled. An article about this project is on www.change.org. If this resolution is passed, we will be the first place outside of Florida to participate.

Council thanked Mrs. Davis for this wonderful idea and Mrs. Dodd for acting so quickly to get it painted.

Mr. Greenwood made a motion to adopt **Resolution 2019-X A Resolution Designating the Kindness All Around Symbol as the Official symbol of Kindness for Bellbrook, Ohio.** Mr. McGill seconded the motion. The Clerk called the roll. Mr. Greenwood, yes; Mr. McGill, yes; Mr. Edwards, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Dr. Van Veldhuizen, yes; Mayor Schweller, yes. The motion passed 7-0.

Mrs. Middlestetter read **Resolution 2019-Y a Resolution Authorizing the City Manager to Sign an Agreement with the City of Xenia for Prosecution Services.**

City Manager, Mrs. Dodd was approached by the new Xenia Law Director, Donnette Fisher, about our contract for prosecution services that ended in April of 2019. Bellbrook has paid for services through October 31. This new contract is substantially the same and is effective November 1, 2019 through December 31, 2022. It includes the same 2 percent per year increase as our old contract. Ms. Fisher also offered her services for property maintenance questions and legal advice. Chief Doherty has also reviewed and contract and is agreement.

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Mayor Schweller asked if the City will still have involvement with the previous attorney, Ron Lewis. Mrs. Dodd answered that we will not as he is going to be a judge.

Mrs. Seger-Lawson asked why the dates on the contract and the effective dates were different. Mrs. Dodd answered they are different because the previous contract ended April 30, but the city has paid through October 30. Mrs. Dodd will make the clarification and correction on the contract.

Mr. Edwards asked if the City Manager knew how much was spent on this last year. Mrs. Dodd did not know without checking the files. Mr. Edwards asked what the services will cost for the new services offered. Mrs. Dodd explained that Ms. Fisher made the offer for additional services if the City requires them. The City has Steve McHugh as its Law Director for all legislative matters and questions outside of ones concerning prosecution. Mrs. Dodd answered that City does use these prosecution services, but we haven't gone past the standard amount included in the contract.

Mr. Greenwood opined that this is a good plan considering all Bellbrook's prosecution issues are handled through the County court in Xenia.

Mr. Schweller agreed that this arraignment has streamlined issues and worked out well for the City. He added that any monies collected by the courts goes to cover the prosecution costs and the City receives none of that money.

Mrs. Middlestetter made a motion to adopt **Resolution 2019-Y a Resolution Authorizing the City Manager to Sign an Agreement with the City of Xenia for Prosecution Services**. The motion was seconded by Mrs. Seger-Lawson. The Clerk called the roll. Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mr. McGill, yes; Dr. Van Veldhuizen, yes; Mayor Schweller, yes. The motion passed 7-0.

Mrs. Seger-Lawson read **Resolution 2019-Z A Resolution Authorizing the City Manager to Approve the Participatory Legislation for the State of Ohio Department of Transportation Related to the Franklin Street Path Project (PID No. 110612)**.

The City Manager explained that this is part of the MVRPC alternative transportation grant that Bellbrook was awarded to create a pedestrian path over the south side of the Franklin Street bridge with a curb and crosswalks. ODOT administers the work. This resolution is the standard that ODOT requires that allows us to turn the project over to them to facilitate and we will pay our share. The attachment includes the detail of how the project will proceed. The reason why we are putting this resolution on the agenda now is that the next resolution, number 2019-AA, authorizes the City Manager to sign an agreement with LJB, Inc. for the design work that is necessary to proceed. The original plan was for Bellbrook to receive the grant money in 2023. But ODOT has informed Mrs. Dodd that since the project is relatively small it might be possible to begin the project sooner.

Mr. Greenwood asked which alley was the delineator of the east end of this project. He recounted that the alleys are numbered (or were back in 1844). Mrs. Dodd answered that she was unaware of numbering and only knows that it is the alley next to the Lawnmower Shop. Mr. Greenwood also asked about beams being replaced. Mr. Dan Hoying from LJB Design answered that replacing three beams to increase strength was in the original scope of the project. ODOT changed the plan to leave the beams but to replace the asphalt with three inches of concrete deck. The plan does not actually

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widen the road but uses the section that is currently stripped. The guardrail will be replaced by a better, more aesthetic railing.

Mrs. Middlestetter asked if completing this project will affect the future need to add a left turn only lane to the east-bound side of Franklin at Little Sugarcreek Road. Mr. Hoying answered that this project will not prohibit that. It might require some curb work to be redone with the cost being minimal but paid entirely by the City.

Mrs. Seger-Lawson made a motion to adopt **Resolution 2019-Z A Resolution Authorizing the City Manager to Approve the Participatory Legislation for the State of Ohio Department of Transportation Related to the Franklin Street Path Project (PID No. 110612)**. Mr. Greenwood seconded the motion. The Clerk called the roll. Mrs. Seger-Lawson, yes; Mr. Greenwood, yes; Mr. Edwards, yes; Mr. McGill, yes; Mrs. Middlestetter, yes; Dr. Van Veldhuizen, yes; Mayor Schweller, yes. The motion passed 7-0.

Mr. Edwards read **Resolution 2019-AA a Resolution Authorizing the City Manager to Enter Into an Agreement with LJB, Inc. for Preliminary Design Engineering Services for Pedestrian Improvements on the Franklin Street Bridge**.

City Manager Melissa Dodd explained that this Resolution is related to the one before it. This is to hire LJB Engineering to do the preliminary engineering for the project. This is the first step to prepare the City for the Franklin Street Bridge Path Project. As part of the grant, the city is responsible for the cost of the preliminary engineering. This will have to be included in a supplemental appropriation ordinance since it was not budgeted for 2019. This will come out of the Streets Fund which includes the money from the permissible tax that began in July 1, 2019. The projected earnings from the gas tax should be approximately \$70,000.

Mr. Edwards made a motion to adopt **Resolution 2019-AA a Resolution Authorizing the City Manager to Enter Into an Agreement with LJB, Inc. for Preliminary Design Engineering Services for Pedestrian Improvements on the Franklin Street Bridge**. Mr. McGill seconded the motion. The Clerk called the roll. Mr. Edwards, yes; Mr. McGill, yes; Mr. Greenwood, yes; Mr. Edwards, yes; Mr. McGill, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Dr. Van Veldhuizen, yes; Mayor Schweller, yes. The motion passed 7-0.

COMMITTEE REPORTS

Service: Mrs. Seger-Lawson reported that the annual paving program will begin later this week weather permitting. The Service Department estimates that it will take two days to mill and two days to pave. The roads being paved this year are Dane Lane, Dane Court, Firebird Drive, Hillcrest Drive, Kim Court and Shadowood Circle.

Safety: Mr. Greenwood updated the Council on tornado sirens. Mr. Greenwood attended a Sugarcreek Township trustee's meeting on August 19. In attendance were Barry Tiffany, Mike Pittman, Caroline Destefani, Nadine Daugherty, and Mike Brown. They are also looking into tornado sirens. They also use HyperReach like we do. The Township Fire Chief does not think sirens are effective as does the Bellbrook Fire Chief. Some of the problems with tornado sirens

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are cost, coverage, and sound insulation of newer homes. A few weeks ago, Channel 7 did a report on sirens in the city of Dayton. Dayton does not have them either for many of the reasons we have discussed. Mr. Greenwood will continue to make inquiries and report back to Council in the fall. Mr. Greenwood added that sirens might be outdated and systems like HyperReach a better alternative. More education needs to be done for our citizens about this service. He asked if the service can be tested? Mr. McGill agreed with Mr. Greenwood and added that the NOAA weather radios are very useful.

Mayor Schweller asked that the information about HyperReach continue to be included on the website and the quarterly newsletter.

Finance/Audit: none

Community Affairs: Mrs. Middlestetter announced that the City is accepting applications for a vacant position on the Planning Board for 30 days.

OLD BUSINESS - none

NEW BUSINESS

- Little Sugarcreek Road Study – Dan Hoying, LJB Design

Mrs. Dodd introduced Mr. Hoying who will present information about the Little Sugarcreek Feasibility Study. The full report will be available on the City's web page.

Mr. Hoying explained the goal of study was to evaluate alternatives for the structural reinforcement and the potential addition of pedestrian facilities along that corridor. It is a 2,600-foot-long stretch of road starting at Franklin Street (725) and ending past Magee Park at the intersection of Little Sugarcreek and Vineyard Way. Looking at improving safety for pedestrians from the neighborhoods to downtown. A map showed this corridor highlighted in yellow with the area of the 2019 slippage marked in red. The landslide had gone to the edge of the pavement. This was there area where the geotechnical engineers at Geotechnology took three or four borings down to the bedrock to understand what was happening to the road. If the slippage was happening in the strata or down at interface of the soil and the bedrock. They also did a limited field survey which included things like elevations of private drives in general to the nearest foot in case there would need to be changes to the west side of the road. GIS information was used to establish boundaries including the elevations that were used. This information was combined into a base map that allows them to develop alternatives at different cross-sections. All of this is combined to get to cost estimates looking at this in two phases.

Initially LJB did not want to rule out improvements on both sides of the road including the possibility of an elevated sidewalk. But after conferring with Geotechnology, the stability of the road improvements that are necessary and the topography make more sense for all improvements to be made on the east side of the road. This also means that the road and its center line will remain in its current location further keeping the costs down.

A phased approach is being recommended with the site of the slippage being the first 300-400 foot section completed. This section is in critical need of repair. The current guard rail is not being

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supported. This area is currently marked with cones. This is Phase 1. Instead of being a band aid fix, it will be the first segment of the overall project. In 2018 there had been previous landslide issues where pavement settled, and the city road crew had made repairs.

The geotechnical report recommends a pier and plug wall type. The slip occurred 11-15-foot underground just above the bedrock. This type of construction involves drilling 8 foot into the bedrock to hold the road in place. In places going all the way down the strata and into the bedrock there will be 23 foot tall concrete pillars necessary. This is consistent on all alternatives. Other methods are not as reliable and very costly.

Mrs. Seger-Lawson asked if drainage was part of the problem. Mr. Hoying answered LJB also had that assumption, but the geotechnical report does not show this. Most retaining wall systems do let water through.

Mr. Greenwood asked about drilling and putting in a foam? Mr. Hoying answered that foam is not useful because the slip is at the bedrock level.

Mr. McGill asked about the longevity of this system. Mr. Hoying reported not knowing that specific information. Most concrete structures last 75 to 100 years.

Mr. Edwards asked if the slide was new. Mr. Hoying only has the information from the city. Previous repaired patching is only adding weight to the road.

Mr. Hoying presented the three alternatives which all include a 20% contingency included.

Alternative A includes adding a curb and cut with gutters and a sidewalk but no room for guardrails along this section. Even at 25 miles per hour the curb is not an adequate barrier for pedestrians, so this alternative includes a concrete slab as a barrier. This alternative causes the least impact to the slope but is very costly at nearly \$9 million lots. The entire wall length will be about 2,300 feet. Mr. Hoying reminded Council that the geotechnical data was only collected for the 400 feet of the latest slide.

Alternative B is the least expensive at \$6.5 million keeping the road very much like it is currently with just a guardrail and no sidewalk.

Alternative C is a variation on alternative A, but it avoids the 3-foot concrete wall. It includes the curb and gutter with a sidewalk and a nice handrail. It allows 8 foot for errant vehicles. The cost is \$1.1 million for the first phase and \$7.24 million for the whole project. A little more clearing is required for this alternative. Alternative C is LJB's recommendation. It costs 20% less than Alternative A.

One of the first things that will be required is for Geotechnology to do more borings to get detailed information on the road's condition along the length of slide risk area. Once the extent of the need is known a final design can be created. Then construction funding can begin with each phase with the curb, gutter, storm sewer, wall, and railing with a grade for the sidewalk.

Mr. Hoying explained the phasing plan. LJB does not recommend building the sidewalk until the construction of the pier and plug wall is complete along the whole corridor estimated to cost \$200,000.

Dr. Van Veldhuizen asked if future problems with the road 30 or more years from now were investigated. Mr. Hoying replied that they were not asked to look at other potential issues, but they do not anticipate other problems.

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Mayor Schweller asked if the road is safe at this time. Mr. Hoying replied that the only danger he could see is the strength of the guardrail since the posts are exposed.

Mr. Greenwood asked if there were another slip if it would be slow. Mr. Hoying replied the 2019 slip occurred with one rain event. This is similar to what happened to Columbia Parkway in Cincinnati. He mentioned this because it shows how the Ohio Public Works Emergency Funding can be used. Mr. Hoying explained that Geotechnology put a tube in place to take readings called an inclinometer. This instrument is not as useful at the bedrock level but there has been no more movement since April.

Mrs. Seger-Lawson asked if it is safe for school buses to use the road. Mr. Hoying opined that it could be reviewed.

Mayor Schweller asked how much money is needed to begin this process. Mr. Hoying answered that it will require \$1 million. There are ways to fund this including OPWC funds and county projects.

Dodd reported that money received from the permissive tax could be used to get the necessary borings along the length of the road done. The cost can be added to the Capital projects budget for 2020.

Council members all acknowledged the importance of the repairs to the road but respect the need to be pragmatic and creative considering the high cost. The City's entire yearly budget is \$6.5 million.

- Lot Request by Rick Clemens

Mr. Clemens was not in attendance, so this item was tabled.

- Selection of Deputy Mayor

The Clerk Pamela Timmons asked that any member of council who is interested in becoming the Deputy Mayor let her know. A vote will be taken at the next Council meeting.

- Council Committees

The Clerk asked that the council members think about which committees on which they would like to serve. The committees will be filled at the next meeting.

- Clerk Recommendations

Mrs. Timmons reported that some items have been discovered that will require amendments to the City charter. An amendment can be drafted by City staff to address these items. One example is the Mayor's succession plan that automatically makes the Deputy Mayor become the Mayor. There were also gray areas that should be clarified. This is something that would then have to be taken to the voters at an upcoming election.

Mrs. Timmons reminded Council that our Administrative Code allows for Ordinances and Resolutions to be read by title only. The members in general like reading them aloud but agree that there are some wordy legislation that do not require it.

OPEN DISCUSSION

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Mrs. Seger-Lawson announced that the upcoming football season has begun, and the first home game is September 6 against Fairborn and there will be a tailgate party beforehand.

Dr. Van Veldhuizen thanked the Council for the appointment, and he is excited to be a member.

Mayor Schweller and all of Council wished the public a safe and happy Labor Day holiday.

Mike Sabin, 26 N West Street. He and his wife run BellHOP Café. He wanted to let Council know how much they love Bellbrook. They host the weekly gatherings of the For Bellbrook By Bellbrook group on Fridays from 8 to 9 am. This is a networking group of local people who focus on our community. They also host the Optimist Club and invites the public to check it out. One of the ways the Optimists serve the community is by organizing the Avenue of Flags five times a year including Labor Day weekend. The flags are available on a subscription basis. Mr. Sabin also invited the public to come to the Second Saturday Street Fairs. The next one is September 14 from 4:00 to 8:00 pm. There are vendors and food trucks. The Optimist Club will be honoring a hometown hero from Bellbrook and Sugarcreek Township Police Department and Fire Departments and veterans.

EXECUTIVE SESSION – Discipline of a City Employee

Mr. McGill made a motion to enter Executive Session to discuss discipline of a city employee at 8:52 pm. Mr. Greenwood seconded the motion.

Mr. McGill made a motion to exit Executive Session at 9:25 pm. The motion was seconded by Mr. Edwards.

ADJOURN

Being no further business to come before the Bellbrook City Council, Mayor Schweller declared the regular meeting adjourned at 9:29 PM.

Michael W. Schweller, Mayor

Pamela Timmons, Clerk of Council

RECORD OF ORDINANCES

Ordinance No. 2019-14

September 23, 2019

City of Bellbrook

Ordinance No. 2019-14

An Ordinance Amending Ordinance 2018-6 to Adjust the City of Bellbrook Appropriations for 2019.

WHEREAS, the City of Bellbrook adopted the 2019 annual budget based on the best information available at the time; and

WHEREAS, additional costs have or will occur in some line items which requires the amendment of various appropriation levels.

Now, Therefore, the City of Bellbrook Hereby Ordains:

Section 1. That the 2019 appropriation levels in several of the funds listed below be amended as follows:

Fund	2019 Appropriations	Personnel Services Revisions	Other Expenses Revisions	Total Revisions	Amended 2019 Appropriations
General Fund:					
-Legislative	\$ 63,170	\$ 12,000	\$ 1,230	\$ 13,230	\$ 76,400
-Administrative	\$ 684,355	\$ -	\$ -	\$ -	\$ 684,355
-Library	\$ 2,000	\$ -	\$ -	\$ -	\$ 2,000
-Museum	\$ 19,780	\$ -	\$ -	\$ -	\$ 19,780
-Comm. Env.	\$ 74,497	\$ 63,475	\$ -	\$ 63,475	\$ 137,972
Total General Fund	\$ 843,802	\$ 75,475	\$ 1,230	\$ 76,705	\$ 920,507
Police Fund	\$ 1,764,085	\$ -	\$ -	\$ -	\$ 1,764,085
Police Pension Fund	\$ 48,340	\$ -	\$ -	\$ -	\$ 48,340
Fire Fund	\$ 1,277,084	\$ -	\$ -	\$ -	\$ 1,277,084
Street Fund	\$ 388,255	\$ -	\$ 65,480	\$ 65,480	\$ 453,735
State Highway Fund	\$ 23,200	\$ -	\$ -	\$ -	\$ 23,200
Motor Vehicle Fund	\$ 32,100	\$ -	\$ -	\$ -	\$ 32,100
Waste Fund	\$ 472,053	\$ 6,085	\$ -	\$ 6,085	\$ 478,138
Water Fund	\$ 1,388,875	\$ 20,367	\$ -	\$ 20,367	\$ 1,409,242
Capital Imp Fund	\$ 474,280	\$ -	\$ -	\$ -	\$ 474,280
Fuel System Fund	\$ 4,200	\$ -	\$ 3,000	\$ 3,000	\$ 7,200
Perf Bond Fund				\$ -	\$ -
Grand Total - All Funds	<u>\$ 6,716,274</u>	<u>\$ 101,927</u>	<u>\$ 69,710</u>	<u>\$ 171,637</u>	<u>\$ 6,887,911</u>

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

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Ordinance No. 2019-14

September 23, 2019

PASSED this ____ day of _____, 2019.

Michael W. Schweller, Mayor

Pamela Timmons, Clerk of Council

APPROVED AS TO FORM:
Stephen M. McHugh, Municipal Attorney

SUPPLEMENTAL APPROPRIATION WORKSHEET

SUPPLEMENT TO ORDINANCE 2019-14

GENERAL FUND		
DEPARTMENT	AMOUNT	PROJECT
LEGISLATIVE	\$ 13,230	Clerk wages underbudgeted due to position changes
COMMUNITY ENVIRONMENT (P&Z)	\$ 63,475	New position not budgeted for
TOTAL GENERAL FUND	\$ 76,705	
SPECIAL REVENUE FUNDS		
STREET FUND	\$ 65,480	Little Sugarcreek & Franklin St. Engineering Fees
FUEL SYSTEM	\$ 3,000	Unexpected repairs to fuel system
TOTAL SPECIAL REVENUE FUNDS	\$ 68,480	
ENTERPRISE FUNDS		
WASTE	\$ 6,085	Leave payouts not budgeted for
WATER	\$ 20,367	Leave payouts not budgeted for
TOTAL ENTERPRISE FUNDS	\$ 26,452	
Total Supplemental Appropriations		\$ 171,637

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Ordinance No. 2019-15

September 23, 2019

City of Bellbrook

Ordinance No. 2019-15

An Ordinance Adding Section 18.41 – “Demolitions” of the Bellbrook Zoning Code.

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

WHEREAS, City Council has determined it would be in the best interest of the City of Bellbrook to add Article 18 Section 41 “Demolitions” of the Bellbrook Zoning Code to allow for the inclusion of definitions and regulations related to the demolition of structures; and

WHEREAS, the Bellbrook Planning Board conducted a public hearing on the amendment to the Zoning Code on August 22, 2019; 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 additions to Article 18, Section 41 “Demolitions” of the Bellbrook Zoning Code be approved:

Article 18, Section 41 Demolitions

- 1) Purpose. It is the purpose of this section to ensure that demolition projects conducted in the City of Bellbrook are done in a safe and complete manner. The end product of demolition will be a "park-like" graded grass lot.
- 2) Applicability. These standards apply to all demolitions of residential, commercial and industrial principal and accessory structures. No structure, required to meet the standards of this section, shall be demolished, in whole or in part, without the issuance of a Demolition Permit prior to commencing work.
 - a. Exceptions. Fences, storage sheds (no larger than 250 sq. ft.) and above ground swimming pools shall be exempt from section 18.41 in its entirety.
- 3) Security Deposit. Applicants desiring a permit to demolish a structure shall deposit with the City a security deposit in the amount specified below.

a. Residential Accessory Structure	\$5,000.00
b. Single-Family Dwelling	\$10,000.00

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c. Multi-Family Dwelling (3 units or less)	\$5,000.00 per unit
d. Nonresidential and Multi-Family Residential (4 units or more)	\$5.00 per square foot

- 4) Bond in Lieu of Security Deposit. In lieu of the security deposit required in section 3 herein, an owner or authorized representative may deposit with the City a performance bond or irrevocable letter of credit in a sum equal to that required in Section 3 herein to ensure the completion of the demolition per the standards set forth herein.
- 5) Forfeiture of Bond or Security Deposit. In the event that demolition is not completed per the standards set forth herein, the required security deposit, bond, or irrevocable letter of credit shall be forfeited and paid over to the City. However, if the bond, security deposit, or letter of credit is not sufficient to cover all inspection or demolition costs, additional fees shall be required when needed, at the discretion of the City Manager. Such fees will be responsibility of the property owner.
- 6) Demolition Standards:
 - a. Safety Precautions. The owner or authorized representative shall take appropriate safety precautions in order to prevent injury, property damage, and unauthorized entry. Reasonable control measures shall be in place at all times as necessary including, but not limited to, guard rails, barriers, warning lights, fences, and warning notices. Trenches, ditches or other excavations that are falling or tripping hazards shall not be left unattended unless protected by temporary fencing or other barrier designed to prevent unauthorized entry.
 - b. Dust and Debris Control. The demolition site shall at all times be maintained in a manner to reduce the impact of dust on adjacent properties and prevent debris from falling on adjacent properties or public rights of way.
 - c. Maintenance of the Right of Way. All streets, sidewalks and other areas in the public right-of-way shall be kept free of mud and/or debris as a result of demolition activities, including hauling and grading activities.
 - d. Utilities. All utilities, including sanitary sewer, water, gas, and electric shall be disconnected and capped per the utility having jurisdiction's regulations. The Contractor is responsible for contacting the Ohio Utilities Protection Service (OUPS) to locate utilities and each individual utility to confirm the status of abandonment, retirement or capping of those utilities.
 - e. Foundations. All footers and foundation walls shall be removed in their entirety.

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Ordinance No. 2019-15

September 23, 2019

- f. Concrete and Asphalt. All slabs, driveways, parking areas, driveway approaches and other areas of impervious surface shall be removed unless agreed upon in writing by the City prior to commencement of demolition. Public sidewalks shall remain. New curbing shall be installed in accordance with City specifications where driveway approaches were removed.
 - g. Removal of Accessory Structures. When demolition includes demolition of the principal structure, all accessory structures, including but not limited to fences, decks, storage sheds, garages, and signs, shall be removed along with the principal structure unless agreed upon to remain prior to demolition.
 - h. Landscaping. All landscaping shall be removed from the site unless agreed upon to remain prior to demolition by the city.
 - i. Finish Grading. All excavations shall be leveled with approved clean fill and compacted substantially to prevent future settling. Finish grade shall be level, smooth and free of rocks and/or other debris.
 - j. Grass. Grass shall be replaced on the lot either by seed or sod. Seed shall be reasonable free of weeds or coarse grass and shall be evenly sown onto the topsoil. Demolition shall not be considered completed until grass has been restored to the site.
- 7) Demolition Plan. A demolition plan is required upon submittal. The plan shall include the following items:
- a. Erosion Control Plan
 - b. Projected Start and End Date
 - c. Staging Requirements
 - d. Site plan showing demolition, location of construction fences, barriers, railings, & walkways (Can be copied from Greene County GIS)

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

PASSED this ____ day of _____, 2019.

Michael W. Schweller, Mayor

Pamela Timmons, Clerk of Council

RECORD OF ORDINANCES

Ordinance No. 2019-15

September 23, 2019

APPROVED AS TO FORM:
Stephen M. McHugh, Municipal Attorney



To: City Council
From: Jeff Green, Planning and Zoning Assistant
Date: September 6, 2019
Subject: Staff Report for Changes to the Zoning Code

Summary of the Request

The request is to amend Article 18 of the Bellbrook Zoning Code. The request would add standards for the demolition of structures throughout the city. Currently, the city of Bellbrook has no standards for demolition in place.

Applicant Information

City Staff

Planning Board Recommendation

The Planning Board met on August 22, 2019 and recommended that the proposed demolition standards be adopted with the following addition: “storage sheds up to 250 sq. ft. be exempt from needing a permit.” The addition proposed by the Planning Board has been added to the standards presented before you.

Applicant’s Reason for the Request

This request is to codify standards for the demolition of structures located within the City of Bellbrook. These standards would principally apply to large structures such as a house or garage, with the intent being that demolition is completed fully and done so to an acceptable manner.

Currently, the City of Bellbrook does not have standards for the demolition of structures. The proposed regulations would seek to ensure all demolitions of major structures in the city fully completed with the land being left being seen as a “green field.” Please see the attached “Section 18.41” for the full proposal.

RECORD OF RESOLUTIONS

Resolution No. 2019-BB

September 9, 2019

City of Bellbrook

Resolution No. 2019-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.

WHEREAS, this Council, in accordance with the provisions of law, has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1, 2020; and

WHEREAS, the Budget Commission of Greene County, Ohio, has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within the ten mill tax limitation.

Now, Therefore, the City of Bellbrook Hereby Resolves:

Section 1. That the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted.

Section 2. That there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation as attached hereto.

Section 3. That the Clerk of this Council be, and she is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

Section 4. That this resolution shall take effect and be in force forthwith.

Michael W. Schweller, Mayor

Pamela Timmons, Clerk of Council

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

(CITY COUNCIL)

Rev. Code, Secs. 5705.34, 5705.35

The Council of the City of Bellbrook _____, Greene _____
County, Ohio, met in _____ Session On the _____ day of _____,
(Regular or Special)
20 _____, at the office of _____ with, the following members
present:

Mr. _____ moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1st, 20 _____; and

WHEREAS, The Budget Commission of Greene _____ County, Ohio, has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within the ten mill tax limitation; therefore be it

RESOLVED, By the Council of the City of Bellbrook _____ Greene _____ County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

CERTIFICATE TO COPY

ORIGINAL ON FILE

The State of Ohio, Greene County, ss.

I, _____, Clerk of the Council of the City of
Bellbrook, within and for said County, and in whose
custody the Files and Records of said Council are required by the Laws of the State of
Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original

now on file, that the foregoing has been compared by me with said original document,
and that the same is a true and correct copy thereof.

WITNESS my signature, this _____ day of _____, 20 _____

Clerk of Council

1. A copy of this Resolution must be certified to the County Auditor before the first day of October, or at such later date as may be approved by the Board of Tax Appeals

No. _____

COUNCIL OF THE CITY OF

County, Ohio.

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.
(City Council)

Adopted _____ Year
Clerk _____

Filed _____ Year
County Auditor _____

By _____ Deputy

RECORD OF RESOLUTIONS

Resolution No. 2019-CC

September 9, 2019

City of Bellbrook

Resolution No. 2019-CC

A Resolution Authorizing the City Manager to Enter into a Contract with the Ohio Department of Transportation for Bridge Inspection Program Services.

WHEREAS, the City of Bellbrook of Greene County, Ohio, is hereinafter referred to as the Local Public Agency (LPA); and

WHEREAS, the City of Bellbrook (LPA) has determined the need for the described project:

Bridge Inspection Program Services, including, but not limited to bridge load rating calculation, scour assessments, bridge inspections, and fracture critical plan development.

Now, Therefore, the City of Bellbrook Hereby Resolves:

Section 1. That, being in the public interest, the City of Bellbrook (LPA) gives consent to the Director of Transportation to complete the above described project.

Section 2. That the City of Bellbrook (LPA) shall cooperate with the Director of Transportation in the above described project as follows:

The State shall assume and bear 100% of all of the cost for Bridge Inspection Program Services requested by the City and agreed to by the State. Eligible Bridge Inspection Services are described in the Consultant's Scope of Services Task Order Contract (Exhibit A).

The LPA agrees to pay 100% of the cost of those features which are not included in Exhibit A. Those features may include but not limited to the purchasing and erecting the recommended weight limits postings signs, the implementation of critical findings reports such as partial or total bridge closures, the implementation of the scour plan of actions. When recommendations affect public safety, ODOT expects full implementation by the LPA. Starting in October 2019, FHWA requires installing weight limits posting signs within 30 days from the official date of the approved recommendations. Timely implementation is essential to the success of this program.

Section 3. That the City of Bellbrook (LPA) agrees that all right-of-way required for the described project will be made available in accordance with current State and Federal regulations.

Section 4. That Melissa Dodd, City Manager of the City of Bellbrook (LPA) is hereby empowered on behalf of the City of Bellbrook (LPA) to enter into contracts with the Director of Transportation which are necessary to complete the above described project.

Section 5. That this resolution shall take effect and be in force immediately upon adoption.

RECORD OF RESOLUTIONS

Resolution No. 2019-CC

September 9, 2019

Michael W. Schweller, Mayor

Pamela Timmons, Clerk of Council

Approved Final Scope of Services Minutes Date: _____

GENERAL ENGINEERING SERVICES

Central Office, Office of Structural Engineering

Scope of Services

The CONSULTANT may be required to perform the following services on a task order type basis for bridges designated by regulation or by agreement as City or Village inspection responsibility. Tasks which may include but are not limited to the following:

Task 1 - Scour Tasks

- Task 1A - Scour Critical Assessment
- Task 1B - Scour Plan-of-Action
- Task 1C – Scour Analysis

Task 2 - Load Rating Tasks

- Task 2A - Field Measurements for Load Rating
- Task 2B - Load Rating Calculations

Task 3 – SMS Structure Inventory and Review

Task 4 – Inspection Procedures

- Task 4A - Fracture Critical Plan
- Task 4B – Underwater Inspection Procedures

Task 5 - Bridge Inspection

- Task 5A – Routine Bridge Inspection
- Task 5B – Fracture Critical Inspection
- Task 5C – Underwater Dive Inspection

Services shall be conducted in accordance with the following:

- ODOT Manual of Bridge Inspection, Latest Version
- ODOT SMS Bridge and Inventory Coding Guide, Latest Version
- ODOT Bridge Design Manual, Section 900), Latest Version
- Hydraulic Engineering Circulars 18, 20 and 23
- The Manual for Bridge Evaluation, Second Edition 2013 interim with revisions, AASHTO

Publication

- Bridge Inspector's Reference Manual, FHWA NHI Publication Number: 12-049, Publication Year: 2012
- Underwater Bridge Inspection, FHWA Publication Number: FHWA NHI-10-027, Publication Year: 2010

The CONSULTANT shall maintain a project cost accounting system that will segregate costs for individual task orders. The invoicing progress reports shall be detailed enough to show the breakdown of each assigned structure indicating the status of all subtasks. Completion of the individual subtasks in necessary for reimbursement credits.

The Department will be performing an annual Quality Assurance Review (QAR) for each selected consultant in accordance with Manual of Bridge Inspection to ensure accuracy and consistency of the inspection and documentation in SMS. This typically includes an office and field review.

The project will be divided into four (4) sub-projects (SP). A CONSULTANT will be selected for each sub-project. Municipalities opted into the previous inspection program will have the option to renew their legislation. Municipalities with population greater than 50,000 people are excluded from the program. The sub-projects have the following general geographic areas, category characteristics, and maximum contract values for the municipalities with municipal inspection responsibility obtained from SMS data as of March 2019.

Project: SP01 - District (1, 2, &3), Total Structures = 435*

Type	L <= 20'	20' < L <= 60'	60' < L <= 200'	L > 200'	Total
Single Span	170	158	24	0	352
Multi-Span	21	18	29	15	83
Culvert	156	45	0	0	201
Truss	0	0	2	0	2
Underwater Inspection	0	0	0	0	0
Fracture Critical Inspection	0	4	0	0	4
Load Rating**	149	75	16	10	250

* Level 1 bridge inspection structures

** Tasked as budget allows w/priority for NBI bridges

General Engineering Services Scope of Services
Central Office, Office of Structural Engineering
PID No. 109334

Project: SP02 - District (4, 11, &12), Total Structures = 270*

Type	L ≤ 20'	20' < L ≤ 60'	60' < L ≤ 200'	L > 200'	Total
Single Span	86	86	25	0	197
Multi-Span	16	14	27	16	73
Culvert	82	36	0	0	118
Truss	1	1	5	0	7
Underwater Inspection	0	0	0	1	1
Fracture Critical Inspection	0	1	5	0	6
Load Rating**	67	35	16	5	123

* Level 1 Bridge Inspection structures

** Tasked as budget allows w/priority for NBI bridges

Project: SP03 - District (5, 6, &10), Total Structures = 355*

Type	L ≤ 20'	20' < L ≤ 60'	60' < L ≤ 200'	L > 200'	Total
Single Span	132	126	29	0	287
Multi-Span	7	8	35	18	68
Culvert	108	62	4	0	174
Truss	0	0	8	0	8
Underwater Inspection	0	0	1	1	2
Fracture Critical Inspection	0	0	8	1	9
Load Rating**	141	73	20	8	242

* Level 1 bridge inspection structures

** Tasked as budget allows w/priority for NBI bridges

Project: SP04 - District (7, 8 &9), Total Structures = 426*

Type	L ≤ 20'	20' < L ≤ 60'	60' < L ≤ 200'	L > 200'	Total
Single Span	150	125	29	0	304
Multi-Span	27	42	41	12	122
Culvert	135	93	30		231
Truss	0	1	5	1	7
Underwater Inspection	0	0	1	1	2
Fracture Critical Inspection	0	2	4	1	7
Load Rating	180	81	27	2	290

* Level 1 bridge inspection structures

** Tasked as budget allows w/priority for NBI bridges

Please note that the total number of structure types is estimated based on current SMS data query, and it may be adjusted when tasks are assigned in the future.

UNDERSTANDING

1. Inspections shall be completed by firm's full-time staff prequalified with ODOT for Level 1 bridge inspection according to the Manual of Bridge Inspection.
2. Task order are intended for maintaining compliance with the FHWA 23-Mertics, Ohio Revised Code, and ODOT policy manuals. Deadlines set by the task orders shall be respected.
3. All reports and records compiled under this agreement shall become the property of the City or Village and shall be housed in the City or Village. ODOT shall receive an electronic copy of plans, analysis files, reports and other items mentioned below.
 - a) CONSULTANT shall perform all applicable updates to SMS with new or revised information for structure inventory and appraisal data, inspections, scour, fracture critical members, and load ratings.
 - b) CONSULTANT shall submit copies of all reports and calculations electronically, or in hard copies when requested, to the City or Village for inclusion in their bridge records.
 - c) This includes, as applicable, a printed copy of the inspection report, Scour Plan-of-Action, Fracture Critical Plan, load rating report, gusset plate analysis, inspection procedures, and field measurement notes, digital pictures as well as a reproducible digital data file (.pdf, .doc, .xml, and .xls formats).
4. Copies of all transmittal letters related to this Task Order shall be submitted to Central Office, Office of Structural Engineering.
 - a) When required, CONSULTANTS shall locate the original construction plans, as-built, and shop drawings from archive locations specified by the municipality and upload them onto SMS.

Services to be furnished by CONSULTANT may include:

TASK 1 - SCOUR TASKS

Task 1A – Scour Critical Susceptibility NBIS Item 113) - The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection. Deliverables include field notes, a completed Scour Critical Assessment Checklist as per Appendix I of the 2014 Manual of Bridge Inspection, and any other reference material needed for the bridge

owner to properly maintain their bridge files. Channel photos or cross sections maybe tasked under this item if assigned.

Task 1B - Scour Plan-of-Action - The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection Appendix H for the scope of this task. Deliverables include a completed Scour Plan-of-Action, field notes, calculations, and any other reference material needed by bridge owner to maintain bridge files.

TASK 2 – LOAD RATING TASKS

Task 2A - Field Measurements for Load Rating - Should no plans exist or if additional information is required, each main member shall be field measured for load rating. The condition of the member should be noted on the field documentation. All measurements shall be included in the load rating report.

Task 2B - Load Rating Calculations – A bridge carrying vehicular traffic shall be rated to determine the safe load carrying capacity. The CONSULTANT shall review existing bridge plans and inspection reports and other inspection information such as photographs and estimates of section loss for bridge members and connections. The analysis for existing structures shall be performed for AASHTO HS20-44 [MS 18] (truck, lane, & military) loading for both inventory and operating levels, and for the four Ohio Legal Loads including the special hauling vehicles (2F1, 3F1, 4F1, and 5C1, SU4, SU5, SU6, SU7, EV2, and EV3) at operating level. The CONSULTANT shall try to complete the load rating analysis utilizing BrR (Virtis) at first. Hand-calculations or Spreadsheets if BrR is not applicable. The BrR analysis file, other load rating files, and BR100 shall be included with the submittal to OSE.

The inventory and operating ratings shall be coded as per the most recent version of the ODOT Bridge Inventory Coding Guide. Update SMS Inventory with the load rating results and upload BR100 pdf file.

The electronic deliverable shall include if applicable an Excel spreadsheet or other files used for analysis for each bridge which shall include the member areas, member capacities both with and without section loss, influence lines (can be the ordinates or graph of the lines), dead loads and dead load stresses in members, live loads and live load stresses in members for all truck loadings and the load ratings of the members. Truck loadings to be used for the ratings are specified in BDM Section 900.

The Load Rating Report shall be prepared by a registered or non-registered engineer and it shall be checked, signed, sealed and dated by an Ohio Registered Professional Engineer.

The Load Rating Report shall explain the method used to calculate the load rating of each bridge.

AASHTO Load Factor Rating (LFR) shall be utilized for all bridges not designed by Load and Resistance Factor Design. AASHTO Load and Resistance Factor Rating (LRFR) shall be utilized for all structures designed for HL93 loading starting October 2010.

Load Rating Report Submittal to the City or Village shall include:

- a. Two (2) printed copies and one electronic pdf copy of the Load Rating Report for each bridge.
- b. Final summary of inventory and operating ratings for each member and the overall ratings of the structure shall be presented for each live load truck. An acceptable format is ODOT form BR-100.
- c. Analysis program input files. Both input and output files shall be submitted when programs other than BrR or spreadsheets are used.
- d. All calculations related to the load rating.
- e. If applicable, the weight limits posting recommendations including a copy of the standard posting sign; such as R12-1 (24" x 30"), R12-H5 (30" x 48"), and R12-H7 (30" x 30").

TASK 3 – SMS STRUCTURE INVENTORY AND REVIEW

The scope of this task includes a limited review of the structure inventory data in the ODOT SMS. In general, the CONSULTANT shall review specific existing ODOT bridge inventory records (as provided by the City and approved by ODOT) of the designated bridge. The CONSULTANT may download the inventory report, which contains inventory data for each bridge on file with ODOT from the ODOT website. The CONSULTANT shall verify this data and determine if the ODOT SMS structure file information needs changing. If no changes are necessary, then no SMS inventory needs to be filled out. If changes are necessary, the scope of this task shall also include completing and filing inventory updates (and supplements, as needed) in SMS. The CONSULTANT shall refer to the ODOT Office of Structural Engineering Inventory and Coding Guide of SMS for inventory coding details.

TASK 4 – INSPECTION PROCEDURES

Task 4A – Fracture Critical Plan – A Fracture Critical Member Plan and inspection procedure shall be developed and updated. For more details, refer to Chapter 4: Inspection Types in the Manual of Bridge Inspection. It shall include:

1. Sketches of the superstructure with locations of all fatigue and fracture prone details identified.
 - a. Use framing plan or schematic with detail locations labeled and a legend explaining each labeled item on the scheme.

- b. Use an elevation view for trusses.
 - c. Classify similar fatigue/fracture prone details as types (e.g. end of partial cover plate).
2. A table or location of important structural details indicating:
 - a. Type of detail (e.g. end of partial cover plate, short web gap, etc.)
 - b. Location of each occurrence of detail
 - c. AASHTO Fatigue Category of detail
 - d. Identify retrofits previously installed
3. Risk Factors Influencing the inspector access.

Photos and sketches shall be properly referenced. The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection for additional details on the scope of this task.

Task 4B – Underwater Inspection Procedures – An underwater inspection procedure shall be developed. For more details, refer to Chapter 4: Underwater Inspections in the Manual of Bridge Inspection. Please note that ODOT has recently revised Appendix F of the inspection manual. The diving team shall fill out or update the new form and upload it on SMS prior to performing the actual dives. Please contact OSE for a copy of a blank form if not uploaded on SMS at the time.

TASK 5 – BRIDGE INSPECTION

Task 5A – Routine Bridge Inspection (SMS Input) - Perform a routine field inspection of the structure to determine the general condition. The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection for additional details on the scope of this task. Section 1111 of the Moving Ahead for Progress in the 21st Century Act (MAP-21) modified 23 U.S.C.144, requires Ohio to report bridge element level data for NBIS bridges on the National Highway System (NHS) to FHWA. A condition rating or element level inspection will be assigned. This task includes: Condition Rating Inspection for non-NBI structures, Condition Rating Inspection for NBI structures, and Element Level Inspection for NBI classified as NHS.

Task 5B – Fracture Critical Inspection - Perform a fracture critical field inspection of fracture critical items. The CONSULTANT shall update the FCM inspection procedure with current photos and descriptions. The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection for additional details on the scope of this task.

Task 5C – Underwater Dive Inspection – Perform Underwater/ In-Water inspection of substructure units according to the cycle shown in SMS. Emergency underwater inspection may arise for specific structures over the duration of the contract period. Work shall be done in accordance with the reference manuals and inspection procedure. Scour risk shall be evaluated after field and data collection.

To: Mayor & City Council
From: Melissa Dodd, City Manager
Date: September 6, 2019
Subject: September 9th Council Meeting & City Manager's Update

Council Meeting Agenda Items

- **Mayor's Announcements and Special Guests**
 - Karen Puterbaugh of Greene County Council on Aging
- **Public Hearing of Ordinances** - None
- **Introduction of Ordinances**
 - **2019-14 Ordinance Approving Supplemental Appropriations for 2019** This is to increase various line items as a result of unforeseen expenditures so far this year.
 - **2019-15 Ordinance Adding Section 18.41 Demolitions to the Zoning Code** This is adding regulations on demolitions where we previously had none. This has been approved by Planning Board.
- **Resolutions**
 - **2019-BB A Resolution Accepting Amounts and Rates** – This is the second piece of the annual tax budget process. This accepts the amounts in the tax budget approved by Council in July by the County Auditor for 2020.
 - **2019-CC A Resolution Authorizing the City Manager to Enter into an Agreement for Bridge Inspections** – This is a piece of legislation that occurs every 3 years. This agreement allows ODOT to inspect our bridges at no cost to the City.
- **Old Business**
 - **Selection of Deputy Mayor**
 - **Standing Committee Designation**
- **New Business**
 - **Rick Clemens Lot Request**
 - **2020 Budget Schedule** – This is a proposed schedule for budget presentations to Council. The first meeting in November actually falls on Veterans Day which is a City recognized holiday. I am proposing that meeting be held the next day on Tuesday the 12th.
 - **Proposed Sidewalk Regulations** – The city currently does not have sidewalk regulations in place. Should we ask for anyone to make repairs or install sidewalks,

standards must be in place first. These standards are for Council review and if Council is favorable they will be brought to the next meeting as an ordinance.

- **Special Event Permit Discussion** – This is to outline procedures related to special events in the City. This creates a process as well as proper documentation and notification of city departments. With the increase in events in the community, this is an important documentation and communication piece.

- **Other Items of Interest**

- **Kindness Symbol Update** – The symbol was painted on the garage door for the Lions Club parade and leading up to the adoption by Council. It was temporary and we hope a permanent mural can go in its place. All murals will be handled by the newly formed revitalization committee. Also, at the September 5th meeting of the Greene County Commissioners, they followed suit and adopted the symbol as the official symbol for kindness in Greene County!

2020 Budget Schedule

October 28 – 6pm Work Session with Council – Administration and Service Departments

November 12 – 6pm Work Session with Council – Police, Fire and Capital

November 25 – Introduction of Budget Ordinance

December 9 - Public Hearing of Budget Ordinance

Proposed Sidewalk Policy

Sidewalk Construction, Repair, Maintenance and Replacement Policy

Section A: Purpose

The purpose of these rules and regulations are to establish criteria and procedures for the construction, repair and replacement of sidewalks, curbs and gutters.

Section B: Applicability

This policy applies to all sidewalks and paths installed by owners, developers, homeowner associations, condominium associations and their respective successors and assigns, the City and the County. This policy does not apply in situations in which sidewalks or paths have been installed by City Council unless otherwise indicated by a written agreement.

Section C: Definitions

The terms used in this section shall have the meanings herein defined unless another meaning is clearly apparent in the language or context.

1. "Owner" means:
 - a. In the case of land, any individual or entity indicated on the most recent Greene County tax records as: the owner of the land; or the owner of the land abutting an easement on right-of-way in which a sidewalk is located, or
 - b. In the case of property other than land, any person who is in lawful possession thereof.
2. "Occupant" means (1) a person who is in physical possession of a property, or (2) a person who has responsibility for, and control over, the condition of a property, the activities conducted on that property, and the persons allowed to enter the property.
3. "Person" includes an individual, corporation, society, association, condominium association, homeowner association, partnership or firm and the successor of the heir, executor, administrators or other legal representatives of a person.
4. "Sidewalk" means a part of highway or street especially adapted to the use of or ordinarily used by pedestrians and includes that part of the highway between the curb line (or edge of roadway where there is no curb line) and the adjacent property line, or the easement for sidewalks established by subdivision plat.
5. "Administrator" means the City Manager or his/her designee.

Section D: Sidewalk Repair/Replacement/Installation Procedure

1. The Administrator shall establish a program for carrying out the provisions of this section. The Administrator is hereby further authorized and directed to promulgate rules and regulations consistent with the requirement and provisions of this chapter to carry out the intent and purpose of this policy with the approval of City Council.

2. The Administrator shall inspect the sidewalks and driveway aprons of the city upon receipt of notice from a resident, an adjacent property owner, or a city employee that repair/installation is needed and at reasonable intervals.
 - a. The Administrator shall require repair or installation of sidewalks when the Administrator determines any of the following conditions are present:
 - i. The difference in elevation between two slabs at a formed or random joint or crack exceeds three-quarters of an inch (3/4");
 - ii. Where a portion of the sidewalk is missing;
 - iii. If the sidewalk has a crack more than one (1") in width;
 - iv. Where a block has buckled, within the limits of the block, to a height which exceeds three-quarters of an inch (3/4");
 - v. Where a block has settled, within the limits of the block, to a depth which exceeds three-quarters of an inch (3/4");
 - vi. Where a slab has pitted, spalled, scalled or deteriorated twenty-five percent (25%) or more of its surface;
 - vii. Where a slab has disintegrated or shattered;
 - viii. Where a slab rocks or moves under the weight of a pedestrian;
 - ix. Where diagonal, transverse and longitudinal cracks interconnect forming a series of polygons; or
 - x. If the sidewalk has more than two (2) cracks of one-quarter inch (1/4") in width or more in any two linear feet of sidewalk sections.
 - xi. If a sidewalk has not been installed as part of an approved development plan as determined by the administrator.
 - b. Notification to Property Owners: Upon such determination that a sidewalk is in need of repair, the owner of the property shall be notified by personal service or by certified mail, return receipt requested, to make the necessary improvements. If notice is returned undelivered, a copy thereof shall be posted in a conspicuous place on the property to which the sidewalk in section abuts. Said repairs or replacements shall be made within 180 days from the giving of notice, unless extension(s) is granted by the Administrator due to inclement weather or other unforeseen circumstances.
 - c. Property Owner Options for Compliance: Property owners given notice to make repairs shall have the following two options:
 - i. The property owner may contract with a third party private contractor at his/her own expense to make the repairs or replacements, subject to administrative approval of all work within the right-of-way application by the City of Bellbrook; or

- ii. If, after the expiration of 180 days following the giving of the notice to the property owner, the repair or installation of sidewalks is not made by the owner, the Administrator shall order the repair and/or installation of the sidewalk under the overall sidewalk contract of the City of Bellbrook as hereinafter provided. The installation and/or repair of such sidewalk shall be supervised by the Administrator. Upon completion of such work by the City, a statement by the Finance Director shall be forwarded to the owner at his/her tax mailing address as shown in the records of Greene County by registered mail, return receipt requested. If any notice herein required to be given by registered mail, return receipt requested, is not delivered to such owner or his/her agent as evidenced by the postal return thereon, a copy thereof shall be posted in a conspicuous place on the property to which the sidewalk in section abuts. After completion of such work by the city, the owners shall thereafter have 180 days to pay such expense, and if it is not paid at the expiration of the 180 day period, the cost shall thereupon constitute a lien upon the lots and lands so benefitted and a tax is assessed therefore. The Administrator upon approval by the City Council shall certify such tax lien for assessment to the Greene county Auditor.

Section E: Standards for Construction, Repair and Maintenance

- 1. All construction, repair or maintenance of sidewalks shall be in accordance with the following standards and specifications;
 - a. Concrete sidewalk standards and specifications shall be in accordance with the most current edition of the State of Ohio, Department of Transportation, Construction and material Specifications (ODOT CMS), Items 608.01, 608.02, 608.03, 608.08, and 608.09, except as follows (all item numbers refer to the ODOT CMS)
 - i. An aggregate base of 4 inches (thickness) of compacted size NO. 57 or 67 stones (or equivalent by the Administrator) shall be placed on the top of the repaired subgrade prior to the placing concrete for the sidewalk. The subgrade shall be shaped and uniformly compacted to meet the requirements of Item 203 or as ordered by the Administrator.
 - ii. The finished surface of the sidewalk shall be float-finished or broom finished, perpendicular to the direction of travel path, to obtain a sandy texture – decorative patterns on the finished surface shall only be permitted with the expressed written consent of the Administrator
 - iii. Sidewalks shall consist of 4 inches (thickness of concrete, except where the sidewalk crosses through driveways, in which case the thickness shall be 6 inches

and such thickness must extend one (1) foot wider than the driveway on each side of the driveway;

- iv. Transverse control/contraction joints for sidewalks may be saw cut (approximately 1/8-inch width) or tool formed during the placement of concrete; however, tooled control/contraction joints shall not exceed 1/2-inch width at the top of the tooled joint;
- v. The surface of sidewalks shall be divided into blocks by joints (transverse control/contraction or expansion) equally spaced, with the spacing of joints being approximately the same as the width of the sidewalk;
- vi. Expansion joint material 1/2 – thick shall be installed for transverse expansion joints to be the full depth and across the full width of the concrete sidewalk at intervals not to exceed two-hundred fifty feet (250'), as well as when the sidewalk thickness changes such as at driveways (see item iii above), and between the walk and any fixed structures or objects including existing or proposed concrete sidewalks, driveways or driveway aprons. The top of the expansion joint material shall be flush with sidewalks, driveways, or driveway aprons. The top of the expansion joint material shall be flush with the finished surface of the sidewalk and shall not protrude above the finished surface of the sidewalk.
- vii. The transverse slope of the surface of the sidewalk shall be 3/16-inch per foot (i.e., 1.6%) preferred; however, the transverse slope shall not exceed 2.0% (i.e., 1:50). Transverse slopes, in accordance with this specification, shall also apply to sidewalks that cross through driveways. The low side of the sidewalk shall be the side adjacent to the roadway;
- viii. The longitudinal slope of the surface of the sidewalk shall not exceed 5.0% (i.e., 1:20), exclusive of ramps, except where the administrator approves a steeper grade to follow the natural ground slope;
- ix. Sidewalks shall be a minimum of 4 feet in width on residential local streets, and a minimum of 5 feet in width on collector or arterial streets or any other location in the city, unless otherwise required by the Bellbrook Township Sidewalk Construction, Repair and Maintenance Policy, or unless approved (in writing and prior to construction) by the Administrator;
- x. Appurtenances including, but not limited to, water and gas valve boxes, manholes, sign posts and utility poles shall be located outside of the sidewalk area, unless otherwise approved (in writing and prior to construction) by the Administrator;

- xii. Fills, if required, shall be clear earth (free of foreign material), compacted in 20-inch lifts; or of a suitable aggregate base, as approved by the Administrator, compacted in lifts not exceeding 4 inches;
 - xiii. All public sidewalks shall be contained within the public right-of-way, or within a recorded easement, approved (in writing and prior to construction) by the Administrator, and such easement shall deed rights to the City for the location of the sidewalk and for the public pedestrian use of the sidewalk;
 - xiv. As soon as the concrete is firmly set, the forms shall be removed and finished grade shall be made to the level of the concrete sidewalk edges;
 - xv. Obstructions, such as valuable trees of long standing, may be avoided by aligning the sidewalk around the tree. In such cases, the alignment shall be approved in writing and prior to construction) by the Administrator. In all cases of injury to persons or property caused from any obstruction, the City shall not be liable for damage in any respect;
 - xvi. All formwork shall be inspected, and receive written approval by the Administrator, prior to placement of concrete;
 - xvii. All materials used, and completed work, shall be to the satisfaction of the Administrator, and shall be clear from defects and deficiencies;
 - xviii. The Contractor, or other party performing the construction, shall be solely responsible for ensuring the sidewalk is compliant with the requirements of the Americans with Disabilities Act (ADA).
2. Unless otherwise required by the approved zoning development plan, sidewalk material shall be concrete installed to City standards and specifications. In the case of construction, repair or maintenance shall match that of the existing sidewalk.
 3. The Administrator may inspect all construction, repair or maintenance by abutting property owner(s) for compliance with the applicable standards and specifications. Inspections may be made during the performance of the work and upon its completion. All abutting property owner(s) required to perform construction, repair or maintenance work shall coordinate inspections with the Administrator. Work performed without such coordination and inspection shall be subject to further construction, repair or maintenance. All construction, repair or maintenance of sidewalks by abutting property owner(s) shall be to the satisfaction of the Administrator.



CITY OF BELLBROOK

SPECIAL EVENT PERMIT

15 EAST FRANKLIN STREET, BELLBROOK, OHIO 45305

(937) 848-4666 WWW.CITYOFBELLBROOK.ORG

APPLICANT INFORMATION

NAME OF APPLICANT _____ CONTACT PERSON _____

NAME OF ORGANIZATION _____ PHONE NUMBER _____

NAME OF EVENT _____ EMAIL _____

EVENT INFORMATION

TYPE OF EVENT BLOCK PARTY PARADE BIKE/WALK/RUN OTHER

IF EVENT IS "OTHER" STATE THE TYPE OF EVENT _____

BRIEF DESCRIPTION OF THE EVENT AND ANY SPECIAL PUBLIC SAFETY OR CITY SERVICES NEEDED _____

DATE(S) OF THE EVENT _____ TIME OF THE EVENT _____

STREETS OR PUBLIC AREAS REQUESTING TO CLOSE: _____

PLEASE HIGHLIGHT/MARK THE EVENT AREA OR EVENT ROUTE ON A MAP

WILL SIGNS BE PLACED IN THE RIGHT-OF-WAY? YES _____ NO _____

IF YES, PROVIDE A MAP DETAILING WHERE THE SIGNS WILL BE PLACED AND THE SIZE OF THE SIGNS.

ADDITIONAL INFORMATION

HOLD HARMLESS: THE PERMITTEE WILL HOLD HARMLESS AND INDEMNIFY THE CITY OF BELLBROOK, ITS ELECTED OFFICIALS, OFFICERS, EMPLOYEES AND AGENTS FROM ANY DAMAGES WHICH MAY ARISE AS A RESULT OF THE CONDUCT OF THE PARADE OR ASSEMBLY FOR WHICH THE PERMIT IS SOUGHT BY PERSONS WHO WERE OR REASONABLY SHOULD HAVE BEEN UNDER THE CONTROL OF THE PERMITTEE.

PRIOR TO THE BEGINNING OF THE EVENT, IT IS IMPORTANT THAT ALL PARTICIPANTS BE ADVISED TO OBEY PEDESTRIAN REGULATIONS AND CROSS ONLY AT INTERSECTIONS OR AS DIRECTED BY THE POLICE.

YOUR ORGANIZATION WILL HAVE TO ARRANGE FOR PAYMENT FOR THE USE OF SERVICES (WATER, ELECTRIC, TRASH PICK-UP) WHETHER PROVIDED BY A PRIVATE OWNER OR PUBLIC ENTITY. EXTRAORDINARY PUBLIC SAFETY SERVICES (EXCESSIVE OVERTIME) MAY ALSO NEED TO BE PAID FOR AT THE DETERMINATION OF THE CITY MANAGER.

IT IS THE EVENT ORGANIZATION'S RESPONSIBILITY TO CLEAN UP DEBRIS LEFT OVER FROM THE EVENT. FAILURE TO CLEAN UP FOLLOWING THE EVENT WILL REST IN A \$500 CLEAN-UP FEE BEING SENT TO THE PERSON AND/OR ORGANIZATION RESPONSIBLE FOR THE EVENT.

APPLICANT SIGNATURE _____ DATE ____/____/____

FAILURE TO PROVIDE A CERTIFICATE OF INSURANCE VOIDS AN OTHERWISE APPROVED EVENT PERMIT.

DATE CERTIFICATE OF INSURANCE RECEIVED BY THE CITY: _____

OFFICE USE ONLY		
PERMIT FEE	PAYMENT TYPE	PERMIT NUMBER
\$ _____	CASH <input type="checkbox"/> CHECK <input type="checkbox"/> # _____	_____
APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/>	STAFF SIGNATURE _____ DATE ____/____/____	

SECTION 412.07 SPECIAL EVENTS

A. PURPOSE OF CHAPTER.

The purpose of this chapter is to make provision for special events of a temporary nature which may be held on City-owned property within the Municipality regardless of the zoning provisions generally applicable to such property. Any such special events shall be subject to the requirements of this chapter.

B. DEFINITIONS.

As used in this chapter:

- 1) "Temporary Special Event" shall mean any outdoor activity or series of outdoor activities open to the public specific to an identifiable time and place that are most often produced in conjunction with community organizations. Temporary Special Events may be held on City-owned property; or events on private property open to the public regardless of zoning restrictions applicable to the property. Temporary Special Events include, but are not limited to, one or more of the following characteristics: 1) Any activity involving entertainment and/or amplified sound, food, beverage, merchandise sales or any activity such as a festival, carnival/circus, sports event, trade show, craft show, car show, public dance, concert or performance; 2) Any activity that may substantially increase or disrupt the normal flow of traffic on any street or highway; 3) Any activity which involves the use of city facilities; 4) Any activity which involves the use of city services that would not be necessary in the absence of such an event; or 5) Any activity which includes a mobile food vehicles as part of the event.
- 2) "City Facilities" shall mean City-owned parking lots and City-owned buildings.
- 3) "City Manager" shall mean the City Manager or the Manager's designee.

C. PERMIT REQUIRED.

No person or entity shall hold a Temporary Special Event within the City of Bellbrook without a permit issued by the City Manager as required by this Chapter.

D. APPLICATIONS.

- 1) Any person wanting to hold a Temporary Special Event shall submit a Special Event Application with the fee and proof of insurance required by this section to the City Manager no later than thirty (30) days prior to the date of the requested Event.
- 2) A \$25.00 non-refundable application fee is due at the time of application.
- 3) Each application shall describe the type of event, the location, the proposed activity and the number of days on which it is to be held. Each applicant shall provide a letter of permission from the owner of the property on which the Temporary Special Event is to be held.
- 4) Each application shall contain a description of the number and types of display units and/or temporary structures proposed in connection with the Temporary Special Event. A site plan with showing the proposed temporary structures must be included.
- 5) Each application shall set forth any potential parking problems and the proposed resolution of the same.

6) Any activity not expressly stated in an approved application shall be prohibited.

E. CONFLICTS WITH PREVIOUSLY SCHEDULED EVENTS.

Each Temporary Special Event date will be considered for approval on a first-come, first served basis, based on the date the application was submitted to the City Manager. No Temporary Special Event will be permitted which would conflict with other civic or special events, whether previously authorized by the City Manager or by other appropriate authorities. The application must include all required supporting materials, fees and insurance requirements before the City Manager will approve the requested event.

F. LIABILITY INSURANCE.

- 1) Each applicant for a Temporary Special Event shall provide proof of general liability insurance, in an amount not less than one million dollars (\$1,000,000), which shall indemnify and save harmless the City from any and all judgments, costs or expenses which the City may incur or suffer by permitting the Temporary Special Event. The certificate of general liability insurance must establish that the City is an additional insured. Additional insurance is required for fireworks and pyrotechnics.
- 2) The applicant also agrees and promises to defend, indemnify, and hold harmless the City of Bellbrook, Ohio, its officers, agents, employees, and volunteers from and against any liability for any equipment or supplies lost, stolen, or damaged that are stored or otherwise as a result of or in connection to this event.
- 3) The following language must be on the Certificate of insurance:
“The following are additional insureds: the City of Bellbrook, Ohio and its elected and appointed officials, all employees, agents, volunteers, all boards, commissions and/or authorities and board members, including employees, agents and volunteers thereof. Coverage shall be primary to the additional insureds and not contributing with any other insurance or similar protection available to the additional insureds whether other available coverage be primary, contributing or excess.”

G. REGULARLY OCCURRING EVENTS.

Special Events that will be occurring regularly, such as seasonal fairs or farmers markets, shall only be required to submit one Special Event Permit per calendar year.

H. SIDEWALK OBSTRUCTIONS.

Any proposed sidewalk obstructions for a Temporary Special Event shall not be permitted without expressed permission from the city.

I. CITY SERVICES.

The City shall invoice the applicant for City services provided to Temporary Special Events at rates set by the City Manager. The City Manager or the Manager’s designee reserves the right to determine the services and levels of services provided to any event.

J. PERMITS, LICENSES, INSPECTIONS.

The applicant is responsible for obtaining all permits, licenses and/or inspections required by outside agencies and organizations.

K. MOBILE FOOD VEHICLES.

An applicant that plans to use mobile food vehicles must have all applicable permits/licenses as required by the Greene County Health Department.

L. SIGNAGE

Special events are eligible to post event-related signage in the right-of-way. To apply, the event sponsor must provide the desired sign placement locations via a map, number of signs desired and the sign's size to the City Manager or his or her designee. The City reserves the right to further limit the number of special event signs based on other event signage requests or other extenuating circumstances.

- 1) **PLACEMENT AND SIZE** - Off-site signage requires an approved site plan and shall not exceed 32 square feet in overall sign area and 6 feet in overall height. Off-site signage is restricted to the 4 locations. A maximum of 4 off-site signs are permitted to be installed for the approved event; and no more than 1 sign may be installed at each of the 4 authorized locations. In situations where the timing of approved special events overlap, the City reserves the right, at its sole discretion, to reduce the number of off-site signs allocated to each event in order to accommodate the signage needs of multiple events to the extent practical. Regardless of any limitation or reallocation of signage, the total number of sign positions will not exceed the maximum of 4 as outlined above. Only City Staff is permitted to install approved off-site signage at the authorized locations. Off-site signage, as approved via the special event permit, shall be exempt from the requirements of the Bellbrook Zoning Code. All signage must be kept in good repair. Signage may not be installed by the event sponsor within the public right-of-way, on lampposts, utility poles, traffic signage, any location where the view of vehicle traffic would be obstructed, or on private property.
- 2) **TIMEFRAME OF SIGNAGE** – Signs approved with this application, are permitted to be placed up to 14 days before the proposed event and must be taken down no later than 5 days after the events end. Signage for regular occurring events shall be approved by the City Manager on a case by case basis.
- 3) **SIGNS WITHOUT PERMIT** – All signage erected without obtaining first obtaining the Special Event Permit are illegal and subject to removal.

M. ADDITIONAL CONDITIONS OR REQUIREMENTS.

The City Manager reserves the right with respect to all Temporary Special Events to establish such additional conditions or requirements as the Manager, in his/her discretion, deems advisable. Any Temporary Special Event or Private Event that does not abide by the regulations set forth in this chapter or other requirements established by the City Manager is subject to immediate cancellation by the City Manager.

N. PENALTY.

- 1) Whoever violates any of the provisions of this chapter shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation occurs or continues.”
- 2) It is the Event Organization's responsibility to clean up debris left over from the event. Failure to clean up following the event will result in a \$500 clean-up fee being sent to the person and/or organization responsible for the event.