

BELLBROOK CITY COUNCIL AGENDA
September 23, 2019



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

T (937) 848-4666
F (937) 848-5190

www.cityofbellbrook.org

6:30 pm-Work Session on Sunshine Law

7:00 pm-Regular Meeting

1. Call to Order
2. Pledge of Allegiance – Girl Scout Troup 33263
3. Roll Call
4. Formal Approval of the Work Session and Regular Meeting Minutes of September 9, 2019
5. Mayor’s Announcements/Special Guests
 - Girl Scout Troup 33263
6. Public Hearing of Ordinances
 - Ordinance No. 2019-14 An Ordinance Amending Ordinance 2018-6 to Adjust the City of Bellbrook Appropriations for 2019
7. Introduction of Ordinances
 - Ordinance No. 2019-15 An Ordinance Amending Section 1450.15 – “Demolition” of the Codified Ordinances of the City of Bellbrook
 - Ordinance No. 2019-16 An Ordinance Adding Section 412.07 – “Special Events” to the Codified Ordinances of the City of Bellbrook
 - Ordinance No. 2019-17 An Ordinance Adding Chapter 1011 – “Sidewalks” to the Codified Ordinances of the City of Bellbrook
 - Ordinance No. 2019-18 An Ordinance Amending Section 1450.31 (c) “Sidewalks and Driveways” of the Property Maintenance Code
8. Resolutions
9. Committee Reports
 - A. Service
 - B. Safety
 - C. Finance/Audit
 - D. Community Affairs
10. Old Business
11. New Business
12. Open Discussion
13. **Executive Session – to discuss the discipline of a public employee**
14. Adjourn

RECORD OF PROCEEDINGS
Minutes of Bellbrook City Council Meeting
Work Session
September 9, 2019

PRESENT: Mr. Nick Edwards
Mr. Forrest Greenwood
Mr. Darryl McGill
Mrs. Elaine Middlestetter
Mrs. Dona Seger-Lawson
Dr. David Van Veldhuizen
Mayor Mike Schweller

This is a summary of the City Council Work Session held on September 9, 2019 at 6:30 pm to discuss the selection of Deputy Mayor and Council Committees.

Mrs. Middlestetter made a motion to enter into a Work Session at 6:30 pm. Mr. Edwards seconded the motion. The Clerk called the roll. Mrs. Middlestetter, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mr. McGill yes; Mrs. Seger-Lawson, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion carried 7-0.

Being no further business, the Work Session ended at 6:56 pm.

Michael W. Schweller, Mayor

Pamela Timmons, Clerk of Council

RECORD OF PROCEEDINGS
Minutes of Bellbrook City Council Meeting
September 9, 2019

PRESENT: Nick Edwards
Forrest Greenwood
Darryl McGill
Elaine Middlestetter
Dona Seger-Lawson
David Van Veldhuizen, PhD
Mayor Mike Schweller

This is a summary of the City Council meeting held on Monday, September 9, 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; Dr. David Van Veldhuizen, 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 26, 2019 Mayor Schweller declared the minutes approved as written.

MAYOR'S ANNOUNCEMENTS/SPECIAL GUEST

Karen Puterbaugh, Executive Director Greene County Council on Aging updated City Council on the Bellbrook Senior Center. The Center is located in the Educational Service Center building in the old library at 3757 Upper Bellbrook Road. They have been in that location for 11 years. Mrs. Puterbaugh thanked Council for approving the Center's new sign. The Senior Center is open to all community members and there are no dues, just occasionally a fee for an activity. It is funded by the Senior Services levy. The Center hosts a multitude of programs including the September Chamber of Commerce meeting, Friday night euchre, yoga, bridge, book club, art, games, and lunch and learns. The Center is also a resource for seniors to review insurance and Medicare information. The public is encouraged to fill out the Program/Activity Interest Survey which is available at www.GCCOA.org.

PUBLIC HEARING OF ORDINANCES - none

INTRODUCTION OF ORDINANCES -

Mr. Edwards read Ordinance 2019-14 An Ordinance Amending Ordinance 2018-6 to Adjust the City of Bellbrook Appropriations for 2019. He added information from the attachment outlining the differences being adjusting.

City Manager Melissa Dodd explained that this ordinance makes adjustments for items that occurred with the changes in staff and items that were unknown at the time the budget was approved. This includes two engineering studies for Little Sugarcreek Road and repair to the City's fuel system.

RECORD OF PROCEEDINGS

Minutes of Bellbrook City Council Meeting

September 9, 2019

Mr. Edwards made a motion to introduce Ordinance 2019-14 An Ordinance Amending Ordinance 2018-6 to Adjust the City of Bellbrook Appropriations for 2019. The Clerk called the roll. Mr. McGill seconded the motion. The Clerk called the roll. Mr. Edwards, yes; Mr. McGill, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Dr. Van Veldhuizen, yes; Mayor Schweller, yes. The motion passed 7-0.

RESOLUTIONS

Mrs. Seger-Lawson read **Resolution 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.**

City Manager Mrs. Dodd explained that this is the result of the tax budget that came before Council in July. Those amounts are then put into the first pass of the 2020 budget.

Mrs. Seger-Lawson made a motion to adopt **Resolution 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.** Mrs. Middlestetter seconded the motion. The Clerk called the roll. Mrs. Seger-Lawson, yes; Mrs. Middlestetter, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mr. McGill, yes; Dr. Van Veldhuizen, yes; Mayor Schweller, yes. The motion passed 7-0.

Mr. McGill read **Resolution 2019-CC A Resolution Authorizing the City Manager to Enter into a Contract with Ohio Department of Transportation for Bridge Inspection Program Services.**

City Manager, Mrs. Dodd explained standard three-year inspection service. The State pays for 100% of this cost unless an issue is discovered requiring further work.

Mr. McGill made a motion to adopt **Resolution 2019-CC A Resolution Authorizing the City Manager to Enter into a Contract with Ohio Department of Transportation for Bridge Inspection Program Services.** The motion was seconded by Mr. Greenwood. The Clerk called the roll. Mr. McGill, yes; Mr. Greenwood, yes; Mr. Edwards, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Dr. Van Veldhuizen, yes; Mayor Schweller, yes. The motion passed 7-0.

CITY MANAGER'S REPORT

Mrs. Dodd shared an update on the Kindness Symbol that the Council voted for in August. The Greene County Commissioners also chose to adopt this symbol on September 5 and have said they have ideas for incorporating the symbol throughout the county.

Saturday, September 14 is going to be a big day in Bellbrook. The first ever Brook Mills 10k will be run with the kids' fun run at 8 and the 10k starting at 8:30 AM. There will be 300 runners participating. The route starts and finishes by the old school on East Street. Staff has been organizing for the street and lane closures. The main concern is the Vineyards neighborhood which only has one way in and out.

Starting at 9:00 AM Be Well Bellbrook will be taking place on Franklin Street in front of the Administration building. There will be vendors, activities, mobile mammography vehicle, and fitness

RECORD OF PROCEEDINGS

Minutes of Bellbrook City Council Meeting

September 9, 2019

demos will be happening using the Lion's Club trailer. This event has only cost the City \$25.00 to have postcards printed. This is the first time for an event like this. If it is successful, the City Manager hopes that the new Revitalization Committee will take it over.

The Farmer's Market will be in full swing from 9:00 AM until 1:00 PM.

A Second Saturday Street Fair will be happening from 4:00 PM until 8:00 PM in Bellbrook Plaza. At 6:00 PM the Optimist Club will present Hometown Hero awards.

Mr. Greenwood asked if the Ohio Fusion Soccer Tournament will be happening at Sackett-Wright park this year. Mrs. Dodd answered that they will with one date in September and one in October. The soccer club's website has more information.

COMMITTEE REPORTS

Service: none

Safety: Mr. Greenwood reminded the public to avoid putting debris on the streets as it is a danger to motorcyclists.

Finance/Audit: none

Community Affairs: Mrs. Middlestetter announced that the City is accepting applications for a vacant position on the Planning Board through September 13.

OLD BUSINESS -

Mayor Schweller explained that his appointment as Mayor required a new Deputy Mayor by appointed.

Mrs. Seger-Lawson nominated Mr. McGill to serve as Deputy Mayor. Mrs. Middlestetter seconded the motion. The Clerk called the roll. Mrs. Seger-Lawson, yes; Mrs. Middlestetter, yes; Mr. Edwards, yes, Mr. Greenwood, yes; Mr. McGill, abstain; Dr. Van Veldhuizen, yes; Mayor Schweller. The motion carried 6-0 with one abstention. The Mayor congratulated Mr. McGill.

Mayor Schweller said that at the Work Session held earlier, Council decided not to make any changes in the current Committee assignments except to add Dr. Van Veldhuizen to the Finance/Audit and Service Committees.

NEW BUSINESS

Chad Clemens, 1682 Greene Valley Drive, presented a request to have a lot in Highview Terrace released from the City of Bellbrook back to Sugarcreek Township. He explained that the lot has a very steep drop off of about 40 feet which makes it unbuildable. The lot to the left is vacant due to the easements for utilities, water and gas that run through it. The proposal combines the two lots so that a switchback driveway can be built to get to the location of a house. Mr. Clemens added that he was planning to build a house for himself on this lot. Sugarcreek Township has approved the plan.

RECORD OF PROCEEDINGS

Minutes of Bellbrook City Council Meeting

September 9, 2019

Council members asked Mr. Clemens why this request is being made or why the combined lot cannot remain within Bellbrook especially since the rest of Highview Terrace is in Bellbrook. The plans for the development have gone through all the required approvals. Members of Council expressed their unwillingness to split this lot off from the rest of the development and also to lose the tax revenues from it.

Mayor Schweller asked the City Manager what the process would be to do this. Mrs. Dodd explained that this is a unique situation of basically a reverse annexation. The combination of the lots will also require approval by the Planning Board.

Mr. Clemens was asked to investigate the idea of combining the lots into Bellbrook and return with answers to a future Council meeting.

Mrs. Dodd proposed a meeting schedule to work on the 2020 Budget. These meetings will tentatively be held on Mondays except for November 11 which is Veteran's Day so will take place on Tuesday, November 12. This schedule is much like the one from last year and takes into account that the council meeting that would normally take place on the fourth Monday of December usually is cancelled due to its proximity to Christmas.

The City Manager explained that through the course of business it has been discovered that Bellbrook does not have sidewalk regulations. The Ordinances speak to sidewalks being the responsibility of the property owner but no regulations on what that entails. The City needs to have standards that the condition of sidewalks can be compared. The proposed regulations are based off of the ones that Sugarcreek Township has. The staff is bringing this to Council to hear if this is agreeable, in which case, an Ordinance will be proposed. It looked like in the past the City sent letters to property owners to request that repairs be made. The property owner would have to figure out how to make the repairs. These regulations are the first step. The City has never taken the step of fixing a sidewalk and assessing the cost to the property owner. The regulations would be adding the standards that will be expected of all. She added that pitting, trees, width, and properties in the Old Village District are all topics that will require investigation by the staff. After the standards are adopted the next step would be to outline the process that will be taken to ensure sidewalks are constructed and maintained properly including how often inspections will be done, timing for repairs, etc.

Council members agreed that standards are needed, and that connectivity and access are of high importance to our citizens.

Mrs. Dodd introduced a Special Event Permit that staff believes would be helpful. The number of special events happening in the City has grown. The permit gives the City important information including the names and contact information of the organizers and details about the event. Staff has prepared the permit, a liability release and an ordinance requiring the forms. The information would be used internally among the departments to coordinate for events as necessary.

Mrs. Middlestetter asked if garage sales or the Garden Club Plant Sale would require a permit. Mrs. Dodd answered they would not. This would be for events that require the blocking of traffic on streets or sidewalks.

Mrs. Seger-Lawson asked what the advance notice requirement is. Mrs. Dodd said that needed to be added.

RECORD OF PROCEEDINGS
Minutes of Bellbrook City Council Meeting
September 9, 2019

Mr. Greenwood, as Chair of the Safety Committee, requested that a space be added to the permit to designate if alcohol will be present at the event.

OPEN DISCUSSION

Mr. McGill thanked Council for appointing him Deputy Mayor.

Mayor Schweller invited the public to enjoy all the great things happening in Bellbrook this Saturday.

David Buccalo, 126 Lower Hillside Drive, shared his opinion of the kindness symbol that was temporarily painted on the side of the old firehouse building downtown before the Lion's Club Bellbrook SummerFest. He opined that he felt it was not well-thought out and put up quickly without public input. He asked if it complied with the City's zoning code. Mr. Buccalo also wanted to share his opinion on the property at the corner of Franklin and Main Streets. He opined that the violations that the property owner has been charged with are unfair. He asked that the City show empathy and work with the owner without going to the prosecutor.

EXECUTIVE SESSION – Bellbrook Mountain

Mrs. Middlestetter made a motion to enter Executive Session to discuss a real estate transaction for Bellbrook Mountain, LLC at 8:06 pm. Mr. Edwards seconded the motion. The Clerk called the roll. Mrs. Middlestetter, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mr. McGill, yes; Mrs. Seger-Lawson, yes; Dr. Van Veldhuizen, yes; Mayor Schweller, yes. The motion passed 7-0.

City Attorney Stephen McHugh was asked to attend the session.

Dr. Van Veldhuizen made a motion to exit Executive Session at 8:50 PM. The motion was seconded by Mr. McGill.

ADJOURN

Being no further business to come before the Bellbrook City Council, Mayor Schweller declared the regular meeting adjourned at 8:52 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.

RECORD OF ORDINANCES

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

RECORD OF ORDINANCES

Ordinance No. 2019-15

October 14, 2019

City of Bellbrook

Ordinance No. 2019-15

An Ordinance Amending Section 1450.15 – “Demolition” of the Codified Ordinances of the City of Bellbrook.

WHEREAS, City Council has determined it would be in the best interest of the City of Bellbrook to amend Section 1450.15 “Demolition” of the Codified Ordinances of the City of Bellbrook to allow for 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.

Now, Therefore, The City of Bellbrook Hereby Ordains:

Section 1. That the following amendments to Section 1450.15 “Demolition” of the Codified Ordinances of the City of Bellbrook be approved with deletions shown by brackets and strikethrough and additions shown by italics and underlined:

Section 1450.15 Demolition

(a) Demolition Standards

- 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 1450.15 in its entirety.*

(b) Ordered Demolition

- 1) *In general.* The Code Official may order the owner of premises upon which is located any structure or part thereof which, in the Code Official's judgment, is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and cannot reasonably be repaired, to raze and remove such structure or part thereof, or, if it can be made safe by repairs, to repair it and make it safe and sanitary or to raze it and remove it at the

RECORD OF ORDINANCES

owner's option, or, where there has been a cessation of normal construction without completion of any structure for a period of more than two years, to raze and remove such structure or part thereof.

- 2) *Unreasonable repairs.* Whenever the Code Official determines that the cost of such repairs would exceed 100 percent of the current value of such structure, such repairs shall be presumed to be unreasonable and it shall be presumed, for the purpose of this section, that such structure is a public nuisance which may be ordered to be razed without option on the part of the owner to repair. Any such affected property owner may appeal the decision of the Code Official to the Bellbrook Property Review Commission.
- 3) *Order.* The order shall specify a time within which the owner shall comply therewith and specify repairs, if any. It shall be served on the owner of record, or upon an agent where an agent is in charge of the building, and upon the holder of any encumbrance of record, in the manner provided for service of a summons by a court of record. If the owner or a holder of an encumbrance of record cannot be found, the order may be served by posting it on the main entrance of the building and by publishing it once each week for three successive weeks in a newspaper authorized to provide service of publication.
- 4) *Restraining actions.* Anyone affected by any such order may, within 20 days after service of such order, apply to a court of record for an order restraining the Code Official from razing and removing such structure or parts thereof.
- 5) *Failure to comply.* Whenever the owner of a property fails to comply with a demolition order within the time prescribed, the Code Official may take action pursuant to the provisions of the Ohio Revised Code.
- 6) *Salvage materials from an Ordered Demolition.* When any structure has been ordered to be razed and removed, the governing body or other designated officer under such contract or arrangement aforesaid may sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such razing and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the use of the person who may be entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

(c) Demolition Process

- 1) Security Deposit. Applicants desiring a permit to demolish a structure shall deposit with the City a security deposit in the amount specified below.

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

RECORD OF ORDINANCES

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

- 2) Bond in Lieu of Security Deposit. In lieu of the security deposit required, as set forth above, an owner or authorized representative may deposit with the City a performance bond or irrevocable letter of credit, in a sum equal to the security deposit that would be required pursuant to this Section, to ensure the completion of the demolition per the standards set forth herein.
- 3) 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 the responsibility of the property owner.

(d) Demolition Requirements:

- 1) 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.
- 2) 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.
- 3) 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.
- 4) Utilities. All utilities, including sanitary sewer, water, gas, and electric shall be disconnected and capped per the appropriate utility'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.
- 5) Foundations. All footers and foundation walls shall be removed in their entirety.

RECORD OF ORDINANCES

Ordinance No. 2019-15

October 14, 2019

- 6) 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.
 - 7) 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.
 - 8) Landscaping. All landscaping shall be removed from the site unless agreed upon to remain prior to demolition by the City.
 - 9) 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.
 - 10) Grass. Grass shall be replaced on the lot either by seed or sod. Seed shall be reasonably 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.
- (e) Demolition Plan. A demolition plan is required upon submittal of a Demolition Permit Application. The plan shall include the following items:
- 1) Erosion Control Plan;
 - 2) Projected Start and End Date;
 - 3) Staging Requirements; and
 - 4) 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

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



CITY OF BELLBROOK

DEMOLITION PERMIT

15 EAST FRANKLIN STREET, BELLBROOK, OHIO 45305
(937) 848-4666 WWW.CITYOFBELLBROOK.ORG

PROPERTY OWNER INFORMATION

APPLICATION DATE _____ PERMIT # _____
NAME OF PROPERTY OWNER _____ PHONE NUMBER _____
NAME OF APPLICANT _____ PHONE NUMBER _____

DEMOLITION INFORMATION

COMMERCIAL RESIDENTIAL (1, 2 OR 3 FAMILY)
 SINGLE FAMILY APARTMENTS ___ # OF UNITS CONDO ___ # OF UNITS OTHER _____

IS THE STRUCTURE LOCATED IN THE OLD VILLAGE? Yes No

DESCRIBE PROJECT: _____

STRUCTURE INFORMATION

STRUCTURE SIZE _____ STRUCTURE HEIGHT _____ ASBESTOS: YES NO
STRUCTURE USE _____

CONTRACTOR:

NAME _____ PHONE: _____
COMPANY: _____
ADDRESS _____
CITY _____ STATE _____ ZIP _____

PROPERTY OWNER SIGNATURE _____ DATE ____/____/____

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

RECORD OF ORDINANCES

Ordinance No. 2019-16

October 14, 2019

City of Bellbrook

Ordinance No. 2019-16

An Ordinance Adding Section 412.07 – “Special Events” to the Codified Ordinances of Bellbrook, Ohio.

WHEREAS, the City of Bellbrook has conducted an assessment of its downtown area and within that assessment outlined the importance of special events as they can help to cultivate a stronger identity; and

WHEREAS, the City of Bellbrook wishes to collaborate in establishing more frequent special events in order to continue to build a stronger community; and

WHEREAS, the City of Bellbrook wishes to establish general procedures for the regulation of said current and future special events within the City.

Now, Therefore, The City of Bellbrook Hereby Ordains:

Section 1. That the following addition of Section 412.07 “Special Events” of the Codified Ordinances of the City of Bellbrook be approved:

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 mobile food vehicles as part of the event.

RECORD OF ORDINANCES

Ordinance No. 2019-16

October 14, 2019

For the purposes of this code, a garage sale or other similar function that is contained solely on private property, shall not be considered a special 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 requisite 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.
 - a. Within fourteen (14) days of receiving a completed application with all required supporting documents and fees as outlined in this Section, the City Manager shall either approve or deny the application. If the application is denied, the City Manager shall, in writing, state why the application was denied.
- 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 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.

RECORD OF ORDINANCES

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.

RECORD OF ORDINANCES

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** - A maximum of 4 off-site signs are permitted to be installed for the approved event in the public right-of-way. Off-site signage requires a site plan showing where the signs are proposed to go. Each off-site sign shall not exceed 32 square feet in overall sign area and 6 feet in overall height. 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 are permitted to install approved off-site signage in the city's right-of-way. Off-site signage, as approved via the special event permit, shall be exempt from all 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 3 days after the event's 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 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.

RECORD OF ORDINANCES

Ordinance No. 2019-16

October 14, 2019

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

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



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 **ALCOHOL SERVED:** Yes No

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 ____/____/____	

RECORD OF ORDINANCES

Ordinance No. 2019-17

October 14, 2019

City of Bellbrook

Ordinance No. 2019-17

An Ordinance Adding Chapter 1011 – “Sidewalks” to the Codified Ordinances of Bellbrook, Ohio.

WHEREAS, the City of Bellbrook has identified the need to specifically outline standards as they relate to sidewalk installation, maintenance and repair; and

WHEREAS, the City of Bellbrook does not currently have said specifications incorporated into its municipal code; and

WHEREAS, the City of Bellbrook wishes to establish said specifications as part of a new chapter, Chapter 1011 “Sidewalks”.

Now, Therefore, The City of Bellbrook Hereby Ordains:

Section 1. That the following addition of Chapter 1011 “Sidewalks” of the Codified Ordinances of the City of Bellbrook be approved:

CHAPTER 1011 SIDEWALKS

A. PURPOSE OF CHAPTER

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

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.

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 or right-of-way in which a sidewalk is located, or

RECORD OF ORDINANCES

Ordinance No. 2019-17

October 14, 2019

- 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.

D. SIDEWALK REPAIR/REPLACEMENT

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 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

RECORD OF ORDINANCES

- 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.
- 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.

RECORD OF ORDINANCES

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

RECORD OF ORDINANCES

Ordinance No. 2019-17

October 14, 2019

- 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;
 - xi. Roof/sump drains shall not be extended to day light within the right-of-way. Drain pipes shall not encroach vertically within the concrete of the sidewalk;
 - 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

RECORD OF ORDINANCES

Ordinance No. 2019-17

October 14, 2019

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 shall 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, the material 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.

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

RECORD OF ORDINANCES

Ordinance No. 2019-17

October 14, 2019

PASSED this ____ day of _____, 2019.

Michael W. Schweller, Mayor

Pamela Timmons, Clerk of Council

APPROVED AS TO FORM:

Stephen M. McHugh, Municipal Attorney

RECORD OF ORDINANCES

Ordinance No. 2019-18

October 14, 2019

City of Bellbrook

Ordinance No. 2019-18

An Ordinance Amending Section 1450.31 (c) “Sidewalks and Driveways” of the Bellbrook Property Maintenance Code.

WHEREAS, the City of Bellbrook has added Chapter 1011 “Sidewalks” to its Codified Ordinances with the adoption of Ordinance 2019-17; and

WHEREAS, the City of Bellbrook Property Maintenance Code addresses sidewalk maintenance and repair; and

WHEREAS, the Property Maintenance Code Section 1450.31 (c) Sidewalks and Driveways needs to be amended to reference the aforementioned addition to the Municipal Code for the City of Bellbrook.

Now, Therefore, The City of Bellbrook Hereby Ordains:

Section 1. That the following amendment of Section 1450.31 (c) “Sidewalks and Driveways” of the City of Bellbrook Property Maintenance Code be approved with deletions shown by brackets and strikethrough and additions shown by italics and underlined:

1450.31 EXTERIOR PROPERTY AREAS.

(c) **Sidewalks and Driveways.** All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. *The standards outlined in Chapter 1011 of the Bellbrook Municipal Code shall determine when a sidewalk is in need of repair and/or replacement.*

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

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

To: Mayor & City Council
From: Melissa Dodd, City Manager
Date: September 20, 2019
Subject: September 23rd City Manager's Update

- **Ordinances Presented:**

- **Public Hearing**

- **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.

- **Introduction of Ordinances**

- **2019-15 Ordinance Adding Section 18.41 Demolitions to the Zoning Code** This is adding regulations on how demolitions are to be facilitated. We had a section on how a demolition is determined and this ordinance simply outlines the expectations if a demolition occurs. The intent is for full site restoration to a park like setting and to ensure that a demolition is fully finished. This has been approved by Planning Board.
- **2019-16 Ordinance Adding Section 412.07 Special Events to the Codified Ordinances** – This ordinance outlines what constitutes a special event and the process for receiving a permit to hold such an event. This is to outline expectations and responsibility of events as well as to serve as a communication tool for staff in preparing for such events.
- **2019-17 Ordinance adding Chapter 1011 Sidewalks to the Codified Ordinances** – As previously discussed, there are currently no regulations or standards for sidewalks that exist. If the City is to request the repair or replacement of sidewalks, regulations are needed.
- **2019-18 Ordinance Amending Section 1450.31 (c) Sidewalks and Driveways of the Property Maintenance Code** – This simply adds language that refers to the standards established in 2019-17.

- **Updates**

- **Clemens Lot Request Update** - Clemens has withdrawn their request for a reverse annexation. I was asked to look into the process and there is no formal process as this is extremely rare and to my knowledge, not something that has ever occurred. If Council

wishes, I could research this further as to what other cities/villages have done when presented and moved forward with a similar request.

- **Franklin Street Bridge Project** - Stage one engineering has begun on the bridge project. This is not to be completed per the ODOT schedule until April of 2020 and should be complete next month. This aggressive start will hopefully allow us to get the project completed sooner.
- **Downtown Decorative Lighting** – I had a meeting with a representative from Miami Valley lighting on options for upgrading our downtown lighting. I will present more information on this during a budget work session for Council input.
- **Be Well Bellbrook and Brook Mills 10K** – The events both went off very smoothly and I received an overwhelming amount of positive feedback. It should be noted that my office did not receive any negative feedback on the event from citizens even though the road closure for the race was new for the community. The runners loved the course and we plan to hold the race and event again next year. We have yet to hold a debriefing on the event with a number of key staff being on vacation but will hold it in the next two weeks. With it being a first event, there are obviously lessons learned that we plan to improve on for the next event.