



CITY COUNCIL REGULAR MEETING AGENDA **Monday, February 14, 2022 at 7:00 PM**

15 East Franklin Street Bellbrook, Ohio 45305
T (937) 848-4666 | www.cityofbellbrook.org

- 1. CALL TO ORDER**
 - 2. ROLL CALL**
 - 3. PLEDGE OF ALLEGIANCE**
 - 4. APPROVAL OF THE MINUTES**
 - [A.](#) Approval of the January 24, 2022 Work Session Minutes
 - [B.](#) Approval of the January 24, 2022 Regular Meeting minutes
 - [C.](#) Approval of the February 8, 2022 Special Meeting minutes
 - 5. MAYOR'S ANNOUNCEMENTS AND SPECIAL GUEST**
 - A. Annastacia Shupe will provide information about the 2022 Sugar Maple Festival
 - 6. PUBLIC HEARING OF PROPOSED ORDINANCES**
 - 7. BOARD REPORTS**
 - 8. INTRODUCTIONS OF ORDINANCES**
 - [A.](#) Ordinance No. 2022-O-2 AMENDING ARTICLE 15, FLOOD DAMAGE PREVENTION, OF THE BELLBROOK ZONING CODE, AND DECLARING AN EMERGENCY
 - 9. ADOPTION OF RESOLUTIONS**
 - [A.](#) Resolution No. 2022-R-7 DECLARING CERTAIN CITY OWNED PROPERTY NO LONGER REQUIRED FOR MUNICIPAL PURPOSES AS SURPLUS AND AUTHORIZING DISPOSAL OF SAID PROPERTY
 - 10. REFERENCE OF LEGISLATIVE PROPOSALS TO COMMITTEES**
 - 11. CITY MANAGER'S REPORT**
 - [A.](#) City Manager update on various topics
 - 12. COMMITTEE REPORTS**
 - 13. BIDS**
 - 14. OLD BUSINESS**
 - A. Appointment of City Council Position
 - B. Nomination and Selection of Deputy Mayor
 - [C.](#) Council Rules Amendments for discussion.
 - 15. NEW BUSINESS**
 - 16. PUBLIC COMMENT**
 - 17. DATES OF FUTURE COMMITTEE MEETINGS**
 - 18. EXECUTIVE SESSION**
 - A. Executive Session to consider the appointment, employment or compensation of a public employee.
There will be no decisions or formal actions will take place during Executive Session.
 - 19. ADJOURNMENT**
- FUTURE AGENDA ITEMS (DATES SUBJECT TO CHANGE)**

File Attachments for Item:

A. Approval of the January 24, 2022 Work Session Minutes

RECORD OF PROCEEDINGS
Bellbrook City Council Work Session Meeting
January 24, 2022

Item A. Section 4, Item

CALL THE MEETING TO ORDER:

Mayor Schweller called the Regular Meeting of the Bellbrook City Council to order at 6:00pm

PLEDGE OF ALLEGIANCE:

Mayor Schweller led the Council in the Pledge of Allegiance.

ROLL CALL:

PRESENT

Mrs. Katherine Cyphers

Mr. Forrest Greenwood

Mr. Brady Harding

Mrs. Elaine Middlestetter

Mayor Mike Schweller

ABSENT: Mr. Ernie Havens

Motion to excuse the absence of Ernie Havens.

Motion made by Mrs. Middlestetter, Seconded by Mr. Harding.

Voting Yea: Mr. Greenwood, Mr. Harding, Mrs. Middlestetter, Mrs. Cyphers, Mayor Schweller

ALSO PRESENT:

Rob Schommer, City Manager

APPROVAL OF MINUTES:

None

OLD BUSINESS:

None

NEW BUSINESS:

Mayor Schweller explained there are four standing committees of Council: Safety, Service, Community Affairs and Finance/Audit. He added the goals are commonly developed around what the standing committees can assist in accomplishing. There are additional external organizations and committees members of council desire to represent.

Mayor Schweller led the discussion regarding members interest in serving on the various committees and through the discussion made the following assignments:

RECORD OF PROCEEDINGS
Bellbrook City Council Work Session Meeting
January 24, 2022

Item A. Section 4, Item

Community Affairs:

Elaine Middlestetter, Chair
Ernie Havens
Brady Harding

Safety:

Forrest Greenwood, Chair
Katherine Cyphers
Elaine Middlestetter

Finance/Audit:

Katherine Cyphers, Chair
Ernie Havens
Mike Schweller

Service:

Forrest Greenwood, Chair
Brady Harding
Mike Schweller

Chamber of Commerce:

Elaine Middlestetter – Delegate
Forrest Greenwood – Alternate

Greene County Regional Planning Commission:

Ernie Havens – Delegate
Forrest Greenwood – Alternate

Miami Valley Regional Planning Commission:

Forrest Greenwood – Delegate
Katherine Cyphers – Alternate

Historical Museum Board of Trustees:

Elaine Middlestetter – Delegate
Brady Harding – Alternate

Fire Fighters Dependency Fund:

Forrest Greenwood – Delegate
Mike Schweller – Alternate

BZA/PRC:

Ernie Havens – Delegate
Katherine Cyphers – Alternate

Planning Board:

Brady Harding – Delegate
Mike Schweller – Alternate

VRB:

Forrest Greenwood – Delegate
Ernie Havens – Alternate

RECORD OF PROCEEDINGS
Bellbrook City Council Work Session Meeting
January 24, 2022

Item A. Section 4, Item

Board of Health Community Representative:
Bill Beeman

Mayor Schweller discussed the selection of Deputy Mayor and noted there is some language in existing Council Rules indicating a secret ballot. Those rules go against the Charter language and are not appropriate, and the voting of the Deputy Mayor will be done in an open meeting February 14th.

COMMENTS:

Mr. Greenwood inquired about setting meeting dates and times for Boards and Commissions. Mayor Schweller noted the chair person of each board will set that and the City keeps track of agendas and minutes for all the meetings.

Mayor Schweller discussed the previous process for council member appointment noting there was a series of set questions each candidate was asked, then each council member could ask a supplemental question. All members were favorable to the same process for the current appointment process.

PUBLIC COMMENT:

None

ADJOURNMENT:

Hearing no further business coming before the Council, Mayor Schweller declared the meeting adjourned at 6:28pm

File Attachments for Item:

B. Approval of the January 24, 2022 Regular Meeting minutes

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting
January 24, 2022

Item B. Section 4, Item

CALL THE MEETING TO ORDER:

Mayor Schweller called the Regular Meeting of the Bellbrook City Council to order at 7:00pm

PLEDGE OF ALLEGIANCE:

Mayor Schweller led the Council in the Pledge of Allegiance.

ROLL CALL:

PRESENT

Mrs. Katherine Cyphers

Mr. Forrest Greenwood

Mr. Brady Harding

Mrs. Elaine Middlestetter

Mayor Mike Schweller

ABSENT: Mr. Ernie Havens

Motion to excuse the absence of Ernie Havens.

Motion made by Mrs. Middlestetter, Seconded by Mr. Greenwood.

Voting Yea: Mr. Greenwood, Mr. Harding, Mrs. Middlestetter, Mrs. Cyphers, Mayor Schweller

ALSO PRESENT:

Rob Schommer, City Manager

APPROVAL OF MINUTES:

Mayor Schweller asked if anyone had comments or corrections to the minutes of the January 10, 2022 meeting. Hearing none, the minutes were declared to be approved.

MAYOR'S ANNOUNCEMENTS / SPECIAL PRESENTATIONS:

None

PUBLIC HEARING OF ORDINANCES:

Ordinance 2022-O-1 AMENDING ORDINANCE 2021-10 BY MAKING SUPPLEMENTAL APPROPRIATIONS FOR EXPENSES OF THE CITY OF BELLBROOK FOR THE PERIOD BEGINNING JANUARY 1, 2022 AND ENDING DECEMBER 31, 2022.

Mrs. Cyphers read the Ordinance.

Mr. Schommer explained the Ordinance as a supplemental appropriation to correct the data entered into

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting
January 24, 2022

Item B. Section 4, Item

the table within the original budget Ordinance. The data was a link to an Excel spreadsheet and when entering the approved budget into the accounting software it was discovered the Ordinance Excel table was missing some line items in its totals. The budget presentation and book are correct, just the summary table in the Ordinance was missing links. Mr. Schommer stated the amount for the supplemental was planned for in the budget, so there is no request for additional funds, just a correction to the table within the appropriations ordinance.

Mayor Schweller sought comments for the public hearing and there were none. With no additional discussion or information for the public hearing, Mayor Schweller declared it closed.

Motion to approve Ordinance 2022-O-1.

Motion made by Mrs. Cyphers, Seconded by Mr. Harding.

Voting Yea: Mr. Harding, Mrs. Cyphers, Mr. Greenwood, Mrs. Middlestetter, Mayor Schweller

INTRODUCTION OF ORDINANCES:

None

RESOLUTIONS:

Resolution 2022-R-2 AUTHORIZING THE CITY MANAGER TO PURCHASE A BACKHOE FOR USE BY THE SERVICE AND WATER DEPARTMENTS THROUGH THE OHIO COOPERATIVE PURCHASING PROGRAM, GSA AUTOCHOICE, OR BY DIRECT NEGOTIATIONS AND WAIVING THE COMPETITIVE BIDDING REQUIREMENTS

Mr. Greenwood read the Resolution. After the reading, Mr. Greenwood explained this was a necessary piece of equipment critical to operations of the service and water departments.

Mr. Schommer added there was a scrivener's error related to numbering of the sections noting the correction.

Mr. Harding asked if the cost was a budget amount or actual cost of the item. Mr. Schommer explained it was a cost not to exceed based on the pricing sheet on the Ohio Procurement State Term Schedule bid pricing for the equipment.

Motion to approve Resolution 2022-R-2.

Motion Made by Mr. Greenwood, Seconded by Mrs. Middlestetter.

Voting Yea: Mrs. Cyphers, Mr. Greenwood, Mr. Harding, Mrs. Middlestetter, Mayor Schweller

Resolution 2022-R-3 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH NATIONAL GUNITE FOR STORM DRAIN CULVERT RELINING

Mr. Harding read the resolution.

Mr. Schommer explained the resolution was to authorize a service agreement to repair a storm drain

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting
January 24, 2022

Item B. Section 4, Item

culvert that is located behind the fire station on Franklin and flows under Franklin to the south. He added the method to repair is non-evasive to the roadway and provides a repair and restoration at a cost less than replacement.

Mr. Harding added he did some independent research noting that replacing this culvert would cost at least double the cost of this restoration and it a permanent fix, not just temporary.

Motion to approve Resolution 2022-R-3.

Motion made by Mr. Harding, Seconded by Mrs. Cyphers.

Voting Yea: Mrs. Cyphers, Mr. Greenwood, Mr. Harding, Mrs. Middlestetter, Mayor Schweller

Resolution 2022-R-4 AUTHORIZING THE CITY MANAGER TO FILE WITH THE GREENE COUNTY AUDITOR A REQUEST FOR ADVANCES OF TAXES COLLECTED

The resolution was read by Mayor Schweller. He explained this process is done each year to aid in cash flow. He met with the auditor last week and determined the tax bills are in the mail and expected to be seen in the next week.

Motion to approve Resolution 2022-R-4

Motion Made by Mrs. Middlestetter, Seconded by Mrs. Cyphers.

Voting Yea: Mrs. Cyphers, Mr. Greenwood, Mr. Harding, Mrs. Middlestetter, Mayor Schweller

Resolution 2022-R-5 ESTABLISHING A CLAIMS SETTLEMENT PROCESS AND AUTHORIZING THE DIRECTOR OF LAW TO RESOLVE MINOR CLAIMS AGAINST THE CITY OF BELLBROOK

Mrs. Middlestetter read the resolution.

Mr. Schommer explained this process allows for an efficient method of settling potential claims against the City without incurring legal costs in excess of the agreed to settlement amount. The process is reviewed and approved by the Law Director and Council would be informed of any use of the process. It is for minor claims such as damaged property. The ability to settle potential claims as opposed to having to undergo legal research and preparation to answer to any claims is far more efficient and cost effective. This process is limited to \$500 or less.

Motion to approve Resolution 2022-R-5.

Motion made by Mrs. Middlestetter, Seconded by Mrs. Cyphers.

Voting Yea: Mrs. Cyphers, Mr. Greenwood, Mr. Harding, Mrs. Middlestetter, Mayor Schweller

Resolution 2022-R-6 AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS TO COVER THE COSTS OF VARIOUS GOODS AND SERVICES ORDERED FOR CITY OPERATIONS AND TO MAKE PAYMENT ON INVOICES WITH A THEN AND NOW CERTIFICATE

Mrs. Cyphers read the resolution.

Mr. Schommer explained this provides transparency and accountability to the financial process. During the cut-over of the finances for 2021 to 2022, there were some purchase orders entered on Monday

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting
January 24, 2022

Item B. Section 4, Item

January 3, which is after the agreed to service date beginning January 1st. The funds were budgeted, thereby showing the appropriation was authorized then-and now. He added most purchase orders are obtained and set for January 1st, and the items listed were not included in the pre-2022 list. Considering January 1st was a Saturday, the first business day was January 3rd, thereby after the service date.

Motion to approve Resolution 2022-R-6

Motion made by Mrs. Cyphers, Seconded by Mr. Greenwood.

Voting Yea: Mrs. Cyphers, Mr. Greenwood, Mr. Harding, Mrs. Middlestetter, Mayor Schweller

CITY MANAGER REPORT:

Mr. Schommer provided brief updates on the following items:

2021 Goals and Objectives:

Ongoing Pandemic – Operations have considered Covid protocols throughout the year and will continue to monitor any changes to adapt operations as needed. Funding sources to aid in recovery have been applied to a variety of projects and future funding will be focused on infrastructure and the continued economic recovery of local businesses and residents.

Updates to Coed Enforcement/Zoning – With the appointment of the Community Development Administrator, updates to parts of the code have begun. Process improvements to enforcement of the property maintenance code have been made and various other code updates are in the process of review through various boards then to Council for approval.

Community Improvement Corporation – Plan has been drafted and ready for Council discussion and actions.

Future Levy Projections – Thankful to the residents of Bellbrook for supporting Issue 5 allowing a continuation of funds to maintain the delivery of excellent services to sustain a high quality of life.

Reassess Tornado Sirens – Project has been quoted and ready for action; however, Greene County EMA has announced their development of a request to implement sirens throughout the County utilizing ARPA funds. The project is in consideration at the county level and we will wait to see the status of it.

Possible consolidations of Fire Stations – All operations except some administration and storage has been consolidated into one station.

Little Sugarcreek Road – Boring have been completed and under review of staff and engineering. The results need to be studied to determine what percentage of risk and funding availability. Examining alternative actions such as traffic monitoring, underground monitoring to determine or predict future slippage, etc. up to the construction of the support and barrier wall at the \$10million price tag. We will continue to work with and through State Representatives and alternate funding sources.

Downtown/Walkability – Streetscape study is complete and now identified items are being engineered into projects to undertake in 2022. Grant applications will be submitted to assist in expanding use of budgeted funds.

Truck Route – Various options between prohibiting trucks on Main street to working with neighboring businesses creating high truck traffic to reduce or modify their use and routes. Specific issues also include better monitoring of securing loads to reduce debris left on our roadways. We will start by working with the businesses to see what actions can be taken to reduce the issues.

Quarterly Community Leaders Meeting – Currently working on scheduling March 22 for the first quarter 2022 meeting.

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting
January 24, 2022

Item B. Section 4, Item

Museum Building:

When doing renovations to the doors and windows, it has been found a main beam under the front door has rotted and repairs must be done. The building is still structurally sound, but at risk without the repair. Contractors have been contacted and a plan for the repair is being created.

COMMITTEE REPORTS:

SAFETY: Mr. Greenwood reported the public safety information sharing network software project is being installed and police and fire are anxious to have it in place.

FINANCE/GOVERNMENT AFFAIRS: Mayor Schweller indicated there is nothing other than the recent Supplemental Appropriation to report.

SERVICE: Mr. Greenwood read through the EPA triennial inspection report which reviewed and inspected the water system and the ability to provide safe and potable water for the community. It was found that all requirements are being met and the condition and operation of the water system is in good order with no violations.

COMMUNITY AFFAIRS: Mrs. Middlestetter added nothing further after the Museum building update.

OLD BUSINESS:

Mayor Schweller updated the open council position will undergo interviews. He added the Deputy Mayor will be voted on in the February 14th meeting. He also noted the committee assignments were made at the work session prior to this meeting and Mr. Schommer read off the list of assignments.

Mayor Schweller indicated the Council Rules will be discussed at a later meeting, encouraging members to read through the current rules to make suggestions to make amendments to reflect more current operations.

NEW BUSINESS:

None

COMMENTS:

No additional comments from public officials.

PUBLIC COMMENT:

Mr. Denny Bennett inquired about a sidewalk from Dots market to Highview Terrace. Mr. Schommer noted there was a proposed path from Highview Terrace development in the original agreement. He added there is too much of a grade for a public sidewalk, and a decision for what to do with a non sidewalk path to be installed is up to the developer and HOA.

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting
January 24, 2022

Item B. Section 4, Item

Mr. Bennett also inquired about political signs reporting seeing Joe Blystone signs that should not be posted. Mr. Schommer stated political signs are considered an expression of freedom of speech when on a resident's private property. If placed in the right of way they can be addressed.

EXECUTIVE SESSION:

A motion to enter executive session to consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance involving public infrastructure improvements or the extension of utility services.

Motion made by Mrs. Middlestetter, Seconded by Mr. Greenwood.

Voting Yea: Mrs. Cyphers, Mr. Greenwood, Mr. Harding, Mrs. Middlestetter, Mayor Schweller

Council retreated into executive session at 8:03PM

A motion to exit executive session.

Motion made by Mrs. Middlestetter, Seconded by Mr. Harding.

Voting Yea: Mrs. Cyphers, Mr. Greenwood, Mr. Harding, Mrs. Middlestetter, Mayor Schweller

Mayor Schweller noted there were no decisions or formal actions taken during executive session, and Council returned to regular session at 9:10PM

ADJOURNMENT:

Hearing no further business coming before the Council, Mayor Schweller declared the meeting adjourned at 9:15pm

File Attachments for Item:

C. Approval of the February 8, 2022 Special Meeting minutes

RECORD OF PROCEEDINGS

Bellbrook City Council Special Meeting

February 8, 2022

Item C. Section 4, Item

CALL THE MEETING TO ORDER:

Mayor Schweller called the Regular Meeting of the Bellbrook City Council to order at 5:00pm

PLEDGE OF ALLEGIANCE:

Mayor Schweller led the Council in the Pledge of Allegiance.

ROLL CALL:

PRESENT

Mrs. Katherine Cyphers

Mr. Forrest Greenwood

Mr. Brady Harding

Mr. Ernie Havens

Mrs. Elaine Middlestetter

Mayor Mike Schweller

ALSO PRESENT:

Rob Schommer, City Manager

APPROVAL OF MINUTES:

None

NEW BUSINESS:

Mayor Schweller reviewed the process for interviews of council appointee candidates noting that there will be a series of set questions asked of both candidates. The first interview is at 5:15PM

COMMENTS:

None

PUBLIC COMMENT:

None

EXECUTIVE SESSION:

A motion to enter executive session to consider the appointment of a public official.

Motion made by Mrs. Havens, Seconded by Mrs. Middlestetter.

Voting Yea: Mrs. Cyphers, Mr. Greenwood, Mr. Harding, Mr. Havens, Mrs. Middlestetter, Mayor

RECORD OF PROCEEDINGS

Bellbrook City Council Special Meeting

February 8, 2022

Item C. Section 4, Item

Schweller

Council retreated into executive session at 5:07PM

A motion to exit executive session.

Motion made by Mr. Harding, Seconded by Mr. Greenwood.

Voting Yea: Mrs. Cyphers, Mr. Greenwood, Mr. Harding, Mr. Havens, Mrs. Middlestetter, Mayor Schweller

Mayor Schweller noted there were no decisions or formal actions taken during executive session, and Council returned to regular session at 6:28PM

ADJOURNMENT:

Hearing no further business coming before the Council, Mayor Schweller declared the meeting adjourned at 6:30pm

File Attachments for Item:

A. Ordinance No. 2022-O-2 AMENDING ARTICLE 15, FLOOD DAMAGE PREVENTION, OF THE
BELLBROOK ZONING CODE



AGENDA ITEM INFORMATION REPORT

Meeting Type: City Council Meeting

Meeting Date: 2/14/2022

Department: Administration

Submitted By: Rob Schommer

AGENDA ITEM DESCRIPTION:

Ordinance

Ordinance No. 2022-O-2 AMENDING ARTICLE 15, FLOOD DAMAGE PREVENTION, OF THE BELLBROOK ZONING CODE

FISCAL IMPACT:

Cost: N/A **Source of Funds:** Choose an item.

Funds Currently Budgeted: Choose an item.

Notes/Implications: Click or tap here to enter text.

PURPOSE AND BACKGROUND:

FEMA has created a new Flood Insurance Program Map as well as some amendments to the flood plain management regulations. The attached Ordinance provides for amendments to Article 15 of the Bellbrook Zoning Code in order to remain compliant to the FEMA regulations.

The existing ordinance follows much of the structure of the FEMA regulations; however, some sections are in different order. In order to make it easier for future updates, Article 15 is amended in its entirety to include ordering of sections to align with the FEMA updates. The substance of the additional or amended language is highlighted and bolded in the attached ordinance.

Ordinance No. 2022-O-2

February 28, 2022

City of Bellbrook State of Ohio

Ordinance No. 2022-O-2

AMENDING ARTICLE 15, FLOOD DAMAGE PREVENTION, OF THE BELLBROOK ZONING CODE

WHEREAS, certain changes to Article 15, Flood Damage Prevention of the Bellbrook Zoning Code are needed to accurately reflect the flood insurance program map and program regulations which affect certain parcels of land within the City of Bellbrook; and

WHEREAS, The Bellbrook Planning Board held a public meeting and has recommended certain amendments be made to Article 15, Flood Damage Prevention of the Bellbrook Zoning Code in order to remain compliant with the National Flood Insurance Program; and

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY ORDAINS:

Section 1. The following amendments to Article 15, Flood Damage Prevention of the Bellbrook Zoning Code be approved in the same form:

ARTICLE 15 FLOOD DAMAGE PREVENTION

Section 15.01 GENERAL PROVISIONS

- (A) Statutory Authorization. ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the City Council of Bellbrook, State of Ohio, does ordain as follows:
- (B) Findings of Fact. The City of Bellbrook has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.
- (C) Statement of Purpose. It is the purpose of these regulations to promote the public health, safety and general welfare, and to:
 - (1) Protect human life and health;
 - (2) Minimize expenditure of public money for costly flood control projects;
 - (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (4) Minimize prolonged business interruptions;
 - (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
 - (6) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;

RECORD OF ORDINANCES

Item A. Section 8, Item

Ordinance No. 2022-O-2

February 28, 2022

- (7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- (8) Minimize the impact of development on adjacent properties within and near flood prone areas;
- (9) Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- (10) Minimize the impact of development on the natural, beneficial values of the floodplain;
- (11) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- (12) Meet community participation requirements of the National Flood Insurance Program.

(D) Methods of Reducing Flood Loss

In order to accomplish its purposes, these regulations include methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in increased damage due to flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.

(E) Lands to Which These Regulations Apply

These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Bellbrook as identified in Section 15.01 (F), including any additional areas of special flood hazard annexed by the City of Bellbrook.

(F) Basis for Establishing the Areas of Special Flood Hazard

For the purposes of these regulations, the following studies and/or maps are adopted:

- (1) Flood Insurance Study, Greene County, Ohio and Incorporated Areas, and Flood Insurance Rate Map, Greene County, Ohio and Incorporated Areas, both effective March 8, 2022.
- (2) Other studies and/or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard
- (3) Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of Bellbrook as required by Section 15.04 (C) Subdivisions and Other New Developments.
 - (a) Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at 15 East Franklin Street, Bellbrook, OH 45305.
- (4) Overlay District Designation
 - (a) The areas of special flood hazard identified [on the Official Zoning Map] shall be shown as an overlay district. This overlay district shall be designated as a

Ordinance No. 2022-O-2

February 28, 2022

Flood Hazard (FH) District. Within the Flood Hazard District there shall be a Floodway (FW) Component. The floodway portion of the Flood Hazard District shall adhere to all requirements for the areas of special flood hazard, as well as those sections which specifically address the floodway.

- (b) The overlay FH District shall be superimposed over the Official Zoning Map. The underlying zoning district as shown on the Official Zoning Map, shall hereafter be called the base district. Uses and minimum requirements shall be determined by the base district. However, if the provisions governing the overlay district are stricter than those of the base district, the provisions of this ordinance shall supersede those of the base district.

(5) District Boundary Changes

- (a) The delineation of the Flood Hazard District may be revised by the City of Bellbrook where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by a federal, state, local or other qualifies agency or where individual documents support such changes. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency.

(G) Abrogation and Greater Restrictions

- (1) These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. **These regulations are not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.**

(H) Interpretation

In the interpretation and application of these regulations, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

(I) Warning and Disclaimer of Liability

- (1) The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the City of Bellbrook, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations, or any administrative decision lawfully made thereunder.

(J) Severability

- (1) Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as

a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 15.02: DEFINITIONS

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

- (A) Accessory Structure: A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.
- (B) Appeal: A request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.
- (C) Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one-hundred (100) year flood.
- (D) Base (100-Year) Flood Elevation (BFE): The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the lowest adjacent natural grade elevation plus the depth number (from 1 to 3 feet).
- (E) Basement: Any area of the building having its floor subgrade (below ground level) on all sides.
- (F) Development: Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- (G) Enclosure Below the Lowest Floor: See "Lowest Floor."
- (H) Executive Order 11988 (Floodplain Management): Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.
- (I) Federal Emergency Management Agency (FEMA): The agency with the overall responsibility for administering the National Flood Insurance Program.
- (J) Fill: A deposit of earth material placed by artificial means.
- (K) Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters, and/or
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (L) Flood Hazard Boundary Map (FHBM): Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.
- (M) Flood Insurance Rate Map (FIRM): An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.
- (N) Flood Insurance Risk Zones: Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

- (1) Zone A:** Special flood hazard areas inundated by the 100-year flood in any given year; base flood elevations are not determined.
 - (2) Zones A1-30 and Zone AE:** Special flood hazard areas inundated by the 100-year flood in any given year; base flood elevations are determined.
 - (3) Zone AO:** Special flood hazard areas inundated by the 100-year flood in any given year; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.
 - (4) Zone AH:** Special flood hazard areas inundated by the 100-year flood in any given year; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.
 - (5) Zone A99:** Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.
 - (6) Zone B and Zone X (shaded):** Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.
 - (7) Zone C and Zone X (unshaded):** Areas determined to be outside the 500-year floodplain.
- (O) **Flood Insurance Study (FIS):** The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.
- (P) Floodproofing:** Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- (Q) **Flood Protection Elevation:** The Flood Protection Elevation, or FPE, is the base flood elevation plus two [2] feet of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.
- (R) **Floodway:** A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community. The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.
- (S) **Freeboard:** A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.
- (T) **Historic structure:** Any structure that is:
- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;

RECORD OF ORDINANCES

Item A. Section 8, Item

Ordinance No. 2022-O-2

February 28, 2022

- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
- (3) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.
- (4) Individually listed on the inventory of historic places maintained by Bellbrook's historic preservation program, which program is certified by the Ohio Historic Preservation Office.
- (U) Hydrologic and hydraulic engineering analysis: An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.
- (V) Letter of Map Change (LOMC): A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:
 - (1) Letter of Map Amendment (LOMA): A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.
 - (2) Letter of Map Revision (LOMR): A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.
 - (3) **Conditional Letter of Map Revision (CLOMR): A comment by FEMA regarding a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.**
- (W) Lowest floor: The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.
- (X) Manufactured home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 4781 of the Ohio Revised Code.
- (Y) **Manufactured home park: As specified in the Ohio Adm. Code 4781-12-01(K), a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of**

Ordinance No. 2022-O-2

February 28, 2022

manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. Manufactured home park does not include any tract of land used solely for the storage or display for sale of manufactured homes.

(Z) Mean sea level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

(AA) National Flood Insurance Program (NFIP): The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

(BB) New construction: Structures for which the "start of construction" commenced on or after the effective date of a floodplain regulation adopted by Bellbrook and includes any subsequent improvements to such structures. For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM [June 1, 1977] and includes any subsequent improvements to such structures.

(CC) Person: Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the **Ohio Rev. Code §111.15(A)(2)** as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

(DD) Recreational vehicle: A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(EE) Registered Professional Architect : A person registered to engage in the practice of architecture pursuant to Ohio Rev. Code §4703.01 and 4703.19.

(FF) Registered Professional Engineer: A person registered as a professional engineer pursuant to Ohio Rev. Code Chapter 4733.

(GG) Registered Professional Surveyor: A person registered as a professional surveyor pursuant to Ohio Rev. Code Chapter 4733.

(HH) Special Flood Hazard Area: Also known as "Areas of Special Flood Hazard", it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, or A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

- (II) Start of construction: The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.
- (JJ) Structure: A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.
- (KK) Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to the 'before damaged' condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (LL) Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include:
- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - (2) Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".
- (MM) Variance: A grant of relief from the standards of these regulations.**
- (NN) Violation: The failure of a structure or other development to be fully compliant with these regulations.

SECTION 15.03: ADMINISTRATION

- (A) Designation of the Floodplain Administrator: The Zoning Administrator (Community development Administrator) is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.
- (B) Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:
- (1) Evaluate applications for permits to develop in special flood hazard areas.
 - (2) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
 - (3) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.

RECORD OF ORDINANCES

Item A. Section 8, Item

Ordinance No. 2022-O-2

February 28, 2022

- (4) Inspect buildings and lands to determine whether any violations of these regulations have been committed.
 - (5) Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, **floodproofing certificates**, variances, and records of enforcement actions taken for violations of these regulations.
 - (6) Enforce the provisions of these regulations.
 - (7) Provide information, testimony, or other evidence as needed during variance hearings.
 - (8) Coordinate map maintenance activities and FEMA follow-up.
 - (9) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.
- (C) Floodplain Development Permits
- (1) It shall be unlawful for any person to begin construction or other development activity including but not limited to filling, grading, construction, alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1.6, until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.
- (D) Application Required
- (1) An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:
 - (a) Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
 - (b) Elevation of the existing, natural ground where structures are proposed.
 - (c) Elevation of the lowest floor, including basement, of all proposed structures.
 - (d) Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
 - (e) Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
 - (i) Floodproofing certification for non-residential floodproofed structure as required in Section 15.04 (E).

RECORD OF ORDINANCES

Item A. Section 8, Item

Ordinance No. 2022-O-2

February 28, 2022

- (ii) Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 15.04 (D)(5) are designed to automatically equalize hydrostatic flood forces.
 - (iii) Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 15.04 (I)(3).
 - (iv) A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 15.04 (I)(2).
 - (v) A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 15.04 (I)(1).
 - (vi) Generation of base flood elevation(s) for subdivision **and other new developments** as required by Section 15.04 (C).
- (f) A Floodplain Development Permit Application Fee set by the Schedule of Fees adopted by the City of Bellbrook.
- (E) Review and Approval of a Floodplain Development Permit Application
 - (1) Review
 - (a) After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 3.4 has been received by the Floodplain Administrator.
 - (b) The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.
 - (2) Approval
 - (a) Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. **If the Floodplain Administrator is satisfied that the development proposed in the floodplain development application conforms to the requirements of this ordinance, the Floodplain Administrator shall issue the permit. All floodplain development permits shall be conditional upon the commencement of work within 180 days. A floodplain development permit shall expire 180 days after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.**
- (F) Inspections: The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

(G) Post-Construction Certifications Required. The following as-built certifications are required after a floodplain development permit has been issued:

- (1) For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a *Federal Emergency Management Agency Elevation Certificate* completed by a registered **professional** surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.
- (2) For all development activities subject to the standards of Section 15.03 (K)(1) a Letter of Map Revision.
- (3) For new or substantially improved nonresidential structures that have been floodproofed in lieu of elevation, where allowed, the applicant shall supply a completed *Floodproofing Certificate for Non-Residential Structures* completed by a registered professional engineer or architect together with associated documentation.**

(H) Revoking a Floodplain Development Permit. A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board in accordance with Section 15.05 of these regulations.

(I) Exemption from Filing a Development Permit. An application for a floodplain development permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$2500.

(J) State and Federal Development

- (1) Development that is funded, financed, undertaken, or preempted by state agencies shall comply with minimum NFIP criteria.**
- (2) Before awarding funding or financing or granting a license, permit, or other authorization for a development that is or is to be located within a 100-year floodplain, a state agency shall require the applicant to demonstrate to the satisfaction of the agency that the development will comply with minimum NFIP criteria and any applicable local floodplain management resolution or ordinance as required by Ohio Revised Code Section 1521.13. This includes, but is not limited to:**
 - (a) Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Commerce and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 4781-12.**
 - (b) Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.**
 - (c) Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.**
- (3) Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 – Floodplain Management.**
 - (a) Each federal agency has a responsibility to evaluate the potential effects of any actions it may take in a floodplain; to ensure that its planning programs and budget request reflect consideration of flood hazards and floodplain management; and to prescribe procedures to implement the policies and requirements of EO 11988.**

(K) Map Maintenance Activities. To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the City of Bellbrook flood maps, studies and other data identified in Section 15.01 (F) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

(1) Requirement to Submit New Technical Data

(a) For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

- (i) Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
- (ii) Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
- (iii) Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
- (iv) Subdivision **or other new development** proposals requiring the establishment of base flood elevations in accordance with Section 15.04.

(b) It is the responsibility of the applicant to have technical data, required in accordance with Section 15.03 (K)(1) prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

(c) The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

- (i) Proposed floodway encroachments that increase the base flood elevation; and
- (ii) Proposed development which increases the base flood elevation by more than one foot in **riverine areas** where FEMA has provided base flood elevations but no floodway.

(d) Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 15.03 (K)(1)(a)

(2) Right to Submit New Technical Data. The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the City Manager of Bellbrook, and may be submitted at any time.

(3) Annexation / Detachment. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Bellbrook have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Bellbrook's Flood Insurance Rate Map accurately represent the City of Bellbrook boundaries, include within such notification a copy of a map of the City of Bellbrook suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Bellbrook has assumed or relinquished floodplain management regulatory authority.

(L) Data Use and Flood Map Interpretation. The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

- (1) In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
- (2) Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.
- (3) The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 15.05, Appeals and Variances.
- (4) **Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.**

(M) Use of Preliminary Flood Insurance Rate Map and/or Flood Insurance Study Data

(1) Zone A:

- (a) Within Zone A areas designated on an effective FIRM, data from the preliminary FIRM and/or FIS shall reasonably utilized as best available data.
- (b) When all appeals have been resolved and a notice of final food elevation determination has been provided in a Letter of Final Determination (LFD), BFE and floodway data from the preliminary FIRM and/or FIS shall be used for regulating development.

(2) Zones AE, A1-30, AH, and AO:

- (a) BFE and floodway data from a preliminary FIS or FIRM restudy are not required to be used in lieu of BFE and floodway data contained in an existing effective FIS and FIRM. However,
 - (i) Where BFEs increase in a restudied area, communities have the responsibility to ensure that new or substantially improved structures are protected. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data in instances where BFEs increase and floodways are revised to ensure that the health, safety, and property of their citizens are protected.
 - (ii) Where BFEs decrease, preliminary FIS or FIRM data should not be used to regulate floodplain development until the LFD has been issued or until all appeals have been resolved.
- (b) If a preliminary FIRM or FIS has designated floodways where none had previously existed, communities should reasonably utilize this data in lieu of applying the encroachment performance standard of Section 15.04 (I)(2)

since the data in the draft or preliminary FIS represents the best data available.

(3) Zones B, C, and X:

(a) Use of BFE and floodway data from a preliminary FIRM or FIS are not required for areas designated as Zone B, C, or X on the effective FIRM which are being revised to Zone AE, A1-30, AH, or AO. Communities are encouraged to reasonably utilize preliminary FIS or FIRM data to ensure that the health, safety, and property of their citizens are protected.

(N) Substantial Damage Determinations. Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, *etc.* After such a damage event, the Floodplain Administrator shall:

- (1) Determine whether damaged structures are located in special flood hazard areas;
- (2) Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and

(3) Require owners of substantially damaged structures to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

SECTION 15.04: USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in **Section 15.01 (F), 15.03 (I)(1), or 15.03 (M):**

(A) Use Regulations

- (1) Permitted Uses. All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by Bellbrook are allowed provided they meet the provisions of these regulations.

(B) Water and Wastewater Systems. The following standards apply to all water supply, sanitary sewerage and waste disposal systems **in the absence of any more restrictive standard provided under the Ohio Revised Code or applicable state rules:**

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
- (2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

Ordinance No. 2022-O-2

February 28, 2022

- (3) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.
- (C) Subdivisions **and Other New Developments**
 - (1) All subdivision proposals and all other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
 - (2) All subdivision proposals **and all other proposed new development** shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
 - (3) All subdivision proposals **and all other proposed new development** shall have adequate drainage provided to reduce exposure to flood damage; and
 - (4) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
 - (5) The applicant shall meet the requirement to submit technical data to FEMA in Section 3.11(A)(1)(d) when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 15.04 (C)(4)
- (D) Residential Structures. The requirements of Section 4.4 apply to new construction of residential structures and to substantial improvements of residential structures in zones A, A1-30, AE, AO, and AH, when designated on the community's effective FIRM, and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 15.03 (M).
 - (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (15.04 (D)(1)) and construction materials resistant to flood damage (15.04 (D)(2)) are satisfied.
 - (2) New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
 - (3) New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (4) New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation.
 - (5) New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with **openings to allow the automatic equalization of hydrostatic pressure** may have an enclosure below the lowest floor provided the enclosure meets the following standards:
 - (a) Be used only for the parking of vehicles, building access, or storage; and
 - (b) be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or

- (c) have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (6) Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- (7) Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 15.04 (D).
- (E) Nonresidential Structures.** The requirements of Section 15.04 (E) apply to new construction and to substantial improvements of nonresidential structures in zones A, A1-30, AE, AO, and AH, when designated on the community's effective FIRM, and **when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 1503 (M).**
 - (1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 15.04 (D) (1) – (3) and (5) –(7).
 - (2) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:
 - (a) Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
 - (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - (c) Be certified by a registered professional engineer or architect, through the use of a *Federal Emergency Management Agency Floodproofing Certificate*, that the design and methods of construction are in accordance with Section 15.04 (E)(2)(a) and (2).
- (F) Accessory Structures.** **Structures that are 600 square feet or less which are used for parking and storage only are exempt from elevation or dry floodproofing standards within zones A, A1-30, AE, AO, and AH designated on the community's FIRM. Such structures must meet the following standards:**
 - (1) They shall not be used for human habitation;
 - (2) They shall be constructed of flood resistant materials;
 - (3) They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
 - (4) They shall be firmly anchored to prevent flotation;
 - (5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
 - (6) They shall meet the opening requirements of Section 15.04 (D)(5)(C);
- (G) Recreational Vehicles.** Recreational vehicles **on sites within zones A, A1-A30, AE, AO, or AH** must meet at least one of the following standards:
 - (1) They shall not be located on sites in special flood hazard areas for more than 180 days, or

- (2) They must be fully licensed and ready for highway use, or
 - (3) They must be placed on the site pursuant to a floodplain development permit issued under Sections 15.03 (C) and 15.03 (D), and meet all standards of Section 15.04 (D).**
- (H) Gas or Liquid Storage Tanks
 - (1) **Within zone A, A1-A30, AE, AO, or AH, new or substantially improved** above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.
- (I) Assurance of Flood Carrying Capacity. Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:
 - (1) Development in Floodways
 - (a) In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
 - (b) Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - (i) Meet the requirements to submit technical data in Section 15.03 (K)(1);
 - (ii) An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
 - (iii) Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
 - (iv) Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
 - (v) Concurrence of the City Manager of Bellbrook and the Chief Executive Officer of any other communities impacted by the proposed actions.
 - (2) Development in Riverine Areas with Base Flood Elevations but No Floodways
 - (a) In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,
 - (b) Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - (i) An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
 - (ii) Section 15.04 (I)(1)(b), items (i) and (iii)-(v).
 - (3) Alterations of a Watercourse

- (a) For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the “bankfull stage.” The field determination of “bankfull stage” shall be based on methods presented in Chapter 7 of the *USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique* or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:
- (i) The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.
 - (ii) Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
 - (iii) The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with Bellbrook specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
 - (iv) The applicant shall meet the requirements to submit technical data in Section 15.03 (I)(1)(a)(iii) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

SECTION 15.05: APPEALS AND VARIANCES

(A) Appeals Board Established

- (1) The Board of Zoning Appeals as established by the City of Bellbrook shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- (2) Records of the Appeals Board shall be kept and filed at 15 East Franklin Street, Bellbrook, OH 45305.

(B) Powers and Duties

- (1) The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.
- (2) Authorize variances in accordance with Section 15.05 (D) of these regulations.

- (C) Appeals. Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board

provided that such person shall file, within [30] days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board. Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

(D) Variances. Any person believing that the use and development standards of these regulations would result in practical difficulty may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

(1) Application for a Variance

- (a) Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board.
- (b) Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.
- (c) All applications for a variance shall be accompanied by a Variance Application Fee set in the schedule of fees adopted by the City of Bellbrook.

(2) Notice for Public Hearing. Procedures outlined in Zoning Code Article 20 Section 20.09.

(3) Public Hearing. At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

- (a) The danger that materials may be swept onto other lands to the injury of others.
- (b) The danger to life and property due to flooding or erosion damage.
- (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (d) The importance of the services provided by the proposed facility to the community.
- (e) The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
- (f) The necessity to the facility of a waterfront location, where applicable.
- (g) The compatibility of the proposed use with existing and anticipated development.
- (h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles.

- (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
 - (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (4) Variances shall only be issued upon:
 - (a) A showing of good and sufficient cause.
 - (b) A determination that failure to grant the variance would result in practical difficulty due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
 - (c) A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
 - (d) A determination that the structure or other development is protected by methods to minimize flood damages.
 - (e) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (f) Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.
- (5) Other Conditions for Variances
 - (a) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - (b) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 15.05 (D)(3)(a) to (i) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
 - (c) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(E) Procedure at Hearings

- (1) All testimony shall be given under oath.
- (2) A complete record of the proceedings shall be kept, including all documents presented and a verbatim record of the testimony of all witnesses.
- (3) The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
- (4) The administrator may present evidence or testimony in opposition to the appeal or variance.
- (5) All witnesses shall be subject to cross-examination by the adverse party or their counsel.
- (6) Evidence that is not admitted may be proffered and shall become part of the record for appeal.

- (7) The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
- (8) The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.
- (F) Appeal to the Court.** Those aggrieved by the decision of the Appeals Board may appeal such decision to the Greene County Court of Common Pleas, pursuant to **Ohio Rev. Code Chapter 2506.**

SECTION 15.06: ENFORCEMENT

(A) Compliance Required

- (1) No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 15.03 (I).
- (2) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 15.06 (C).
- (3) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 15.06 (C).

(B) Notice of Violation. Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

- (1) Be put in writing on an appropriate form;
- (2) Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action, which, if taken, will effect compliance with the provisions of these regulations;
- (3) Specify a reasonable time for performance;
- (4) Advise the owner, operator, or occupant of the right to appeal;
- (5) Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

(C) Violations and Penalties. Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a minor misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the City of Bellbrook. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Bellbrook from taking such other lawful action

RECORD OF ORDINANCES

Item A. Section 8, Item

Ordinance No. 2022-O-2

February 28, 2022

as is necessary to prevent or remedy any violation. The City of Bellbrook shall prosecute any violation of these regulations in accordance with the penalties stated herein.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

PASSED BY City Council this _____ day of _____ 2022.

____ Yeas; ____ Nays.

AUTHENTICATION:

Michael W. Schweller, Mayor

Robert Schommer, Clerk of Council

APPROVED AS TO FORM:

Stephen McHugh, Municipal Attorney

PLANNING BOARD DECISION RECORD

Item A. Section 8, Item

Resolution No. PB 22-01

January 27, 2022

City of Bellbrook State of Ohio

Planning Board Decision Record PB 22-01

WHEREAS, the City of Bellbrook has a need to update and make amendments to Article 15 of the Bellbrook Zoning Code in order to remain compliant with the National Flood Insurance Program; and

WHEREAS, The Bellbrook Planning Board has reviewed and recommends certain amendments to the Bellbrook Zoning Code

NOW, THEREFORE, BE IT RESOLVED by the City of Bellbrook Planning Board that:

Section 1. There was a valid motion placed on the floor to approve a recommendation to Bellbrook City Council for certain amendments to Article 15 of the Bellbrook Zoning Code in accordance to the Staff Report dated January 27, 2022.


Section 2. That it is found and determined that all formal actions of the Planning Board relating to the adoption of this Decision Record Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including §121.22 of the Revised Code of the State of Ohio.

MOTION STATED BY: Mr. Tuttle and SECONDED BY: Mr. Stangle

Roll call vote showed 3 Yeas; 0 Nays.

Motion to approve is ADOPTED this 27th day of January, 2022

AUTHENTICATION:



Mitchell Thompson, Planning Board Chair



Rob Schommer, Clerk/Secretary

SOMA-2**FINAL SUMMARY OF MAP ACTIONS**

Community: BELLBROOK, CITY OF

Community No: 390194

To assist your community in maintaining the Flood Insurance Rate Map (FIRM), we have summarized below the effects of the enclosed revised FIRM panels(s) on previously issued Letter of Map Change (LOMC) actions (i.e., Letters of Map Revision (LOMRs), Letter of Map Revision based on Fill (LOMR-Fs), and Letters of Map Amendment (LOMAs)) that will be affected when the revised FIRM becomes effective on March 8, 2022.

1. LOMCs Incorporated

The modifications effected by the LOMCs listed below will be reflected on the revised FIRM. In addition, these LOMCs will remain in effect until the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

2. LOMCs Not Incorporated

The modifications effected by the LOMCs listed below will not be reflected on the revised FIRM panels or will not be reflected on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lot(s) or structure(s) involved were outside the Special Flood Hazard Area, as shown on the FIRM. These LOMCs will remain in effect until the revised FIRM becomes effective. These LOMCs will be revalidated free of charge 1 day after the revised FIRM becomes effective through a single revalidation letter that reaffirms the validity of the previous LOMCs.

SOMA-2**FINAL SUMMARY OF MAP ACTIONS**

Community: BELLBROOK, CITY OF

Community No: 390194

2A. LOMCs on Revised Panels

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMA	92-05-467B	07/27/1992	LOT 514 BELLVIEW WEST PLAT	3901940001B	39057C0113E
LOMA	96-05-068A	11/21/1995	3896 WEAD PLACE	3901940001B	39057C0114E
LOMA	97-05-1040A	01/21/1997	WINTER HAVEN SUBD., BLK. F - LOT 179 - 4436 BELLEMEADE DR.	3901940001B	39057C0113E
LOMA	98-05-114A	01/21/1998	WINTER HAVEN SUBDIVISION - LOT 382, BLOCK O - 2094 PLANTATION	3901940001B	39057C0113E
LOMR-F	98-05-726A	04/22/1998	WINTER HAVEN SUBDIVISION - BLOCK 1, LOT 268 - 4308 BELLEMEADE	3901940001B	39057C0113E
LOMA	98-05-2688A	05/01/1998	BELLBROOK FARMS - LOT 22, SECTION 2 - 118 LOWER HILLSIDE DRIVE	3901940001B	39057C0114E
LOMA	98-05-2180A	05/06/1998	WINTERHAVEN SUBDIVISION, BLOCK 1 - LOT 270 - 4294 BELLEMEADE DRIVE	3901940001B	39057C0113E
LOMA	98-05-4322A	06/24/1998	WINTER HAVEN SUBDIVISION - BLOCKS B, F, AND O	3901940001B	39057C0113E
LOMR-F	98-05-996A	07/08/1998	SUGAR OAK PARK CONDOS, UNITS 94, 96, 102, 104, 106, 108, 110 & 112	3901940001B	39057C0114E
LOMA	98-05-5446A	09/09/1998	WINTER HAVEN SUBDIVISION, BLOCK 1 - BELLE MEADE DRIVE	3901940001B	39057C0113E
LOMA	03-05-2079A	03/14/2003	WINTER HAVEN SUBDIVISION, BLOCK B, LOT 54; 2259 LAKEMAN AVENUE	3901940001B	39057C0113E
LOMA	03-05-4148A	07/30/2003	ACADEMY HEIGHTS SUBDIVISION, SECTION I, LOT 20; 2173 FIREBIRD DRIVE	3901940001B	39057C0114E
LOMA	03-05-4482A	08/22/2003	BELLBROOK FARM, LOT 23; 122 LOWER HILLSIDE DRIVE	3901940001B	39057C0114E
LOMA	03-05-4308A	09/03/2003	SHADOWOOD, LOT 30; 2237 SHADOWOOD DRIVE	3901940001B	39057C0114E
LOMA	08-05-0817A	12/27/2007	WINTER HAVEN SUBDIV, BLOCK I, LOT 276 - 4252 BELLEMEADE DRIVE	3901940001B	39057C0113E
LOMR-F	09-05-1782A	03/17/2009	SUGARCREEK SECURE STORAGE, BLDGS. 1, 2, 6, 7 & 8 - 3350 WASHINGTON MILL ROAD	3901940001B	39057C0114E

SOMA-2**FINAL SUMMARY OF MAP ACTIONS**

Community: BELLBROOK, CITY OF

Community No: 390194

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMR-F	09-05-6103A	12/18/2009	LOT 1A, SECTION 1, HIGHVIEW TERRACE--3770 TERRACE CREEK ROAD	3901940001B	39057C0114E
LOMA	11-05-7108A	08/25/2011	LOT 26, SECTION 2, RAYNETTE PLAT-- 2303 PORTAGE PATH	39057C0114D	39057C0114E
LOMA	11-05-8272A	08/25/2011	Lot 9, Ryder Court Plat Subdivision - 100 Ryder Court	39057C0114D	39057C0114E
LOMA	14-05-1295A	12/05/2013	LOT 2, SECTION ONE, SABLE RIDGE -- 3817 SABLE RIDGE DRIVE	39057C0114D	39057C0114E
LOMR-F	18-05-2967A	05/03/2018	HIGHVIEW TERRACE, SECTION TWO, LOT 8A -- 1799 SUGAR MAPLE PLACE	39057C0114D	39057C0114E
LOMA	21-05-0121A	11/17/2020	HAROLD PLAT, SECTION 1, LOT 12 -- 162 BELAIR CIRCLE	39057C0114D	39057C0114E
LOMR-F	21-05-2669A	05/04/2021	HIGHVIEW TERRACE, SECTIONS 1 & 2, LOT 1D -- 3760 TERRACE CREEK WAY (RESIDENCE)	39057C0114D	39057C0114E
LOMA	21-05-2900A	05/04/2021	HIGHVIEW TERRACE, SECTIONS 1 & 2, LOT 1D -- 3760 TERRACE CREEK WAY (DETACHED GARAGE)	39057C0114D	39057C0114E

2B. LOMCs on Unrevised Panels

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

SOMA-2**FINAL SUMMARY OF MAP ACTIONS**

Community: BELLBROOK, CITY OF

Community No: 390194

3. LOMCs Superseded

The modifications effected by the LOMCs listed below have not been reflected on the Final revised FIRM panels because they are being superseded by new or revised flood hazard information or the information available was not sufficient to make a determination. The reason each is being superseded is noted below. These LOMCs will no longer be in effect when the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Reason Determination Will be Superseded
LOMA	99-05-5440A	02/09/2000	PROPERTIES NEAR BREWSTERS RUN CREEK	6
LOMA	00-05-3130X	05/04/2000	MULTIPLE LOTS LOCATED ALONG BREWSTER'S RUN	6
LOMR	10-05-2633P	12/29/2010	Little Sugar Creek Floodplain Revisions	4

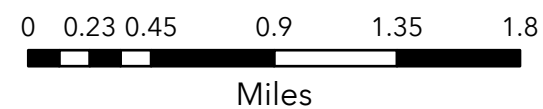
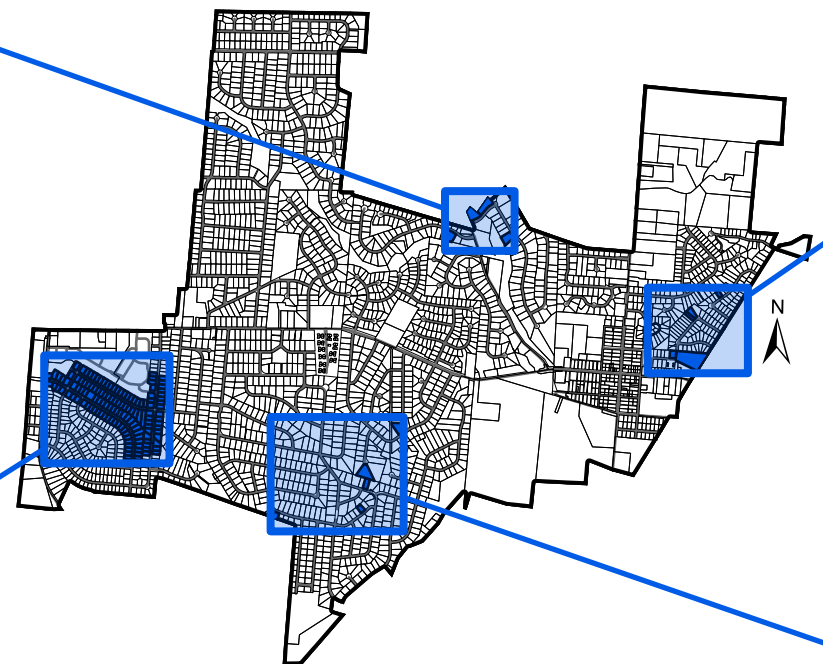
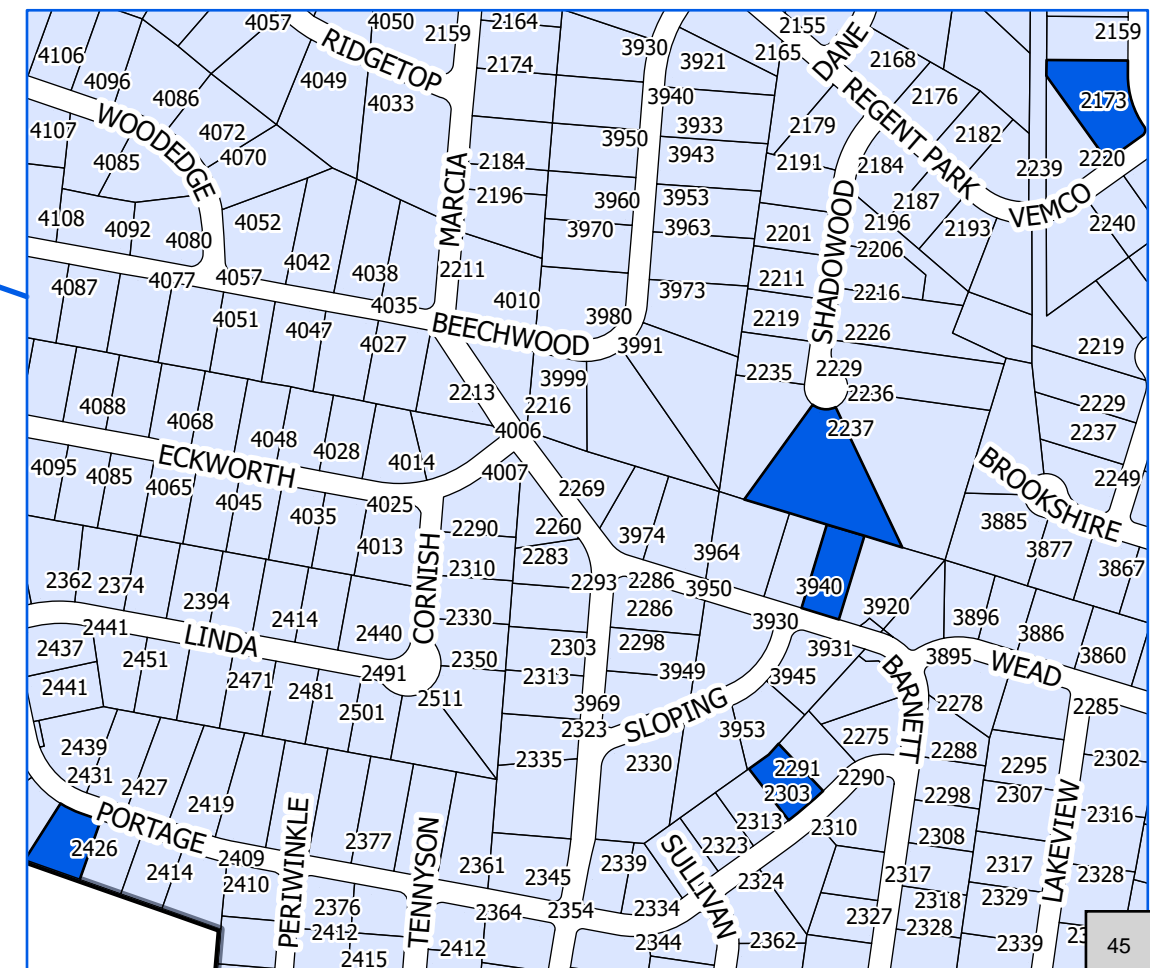
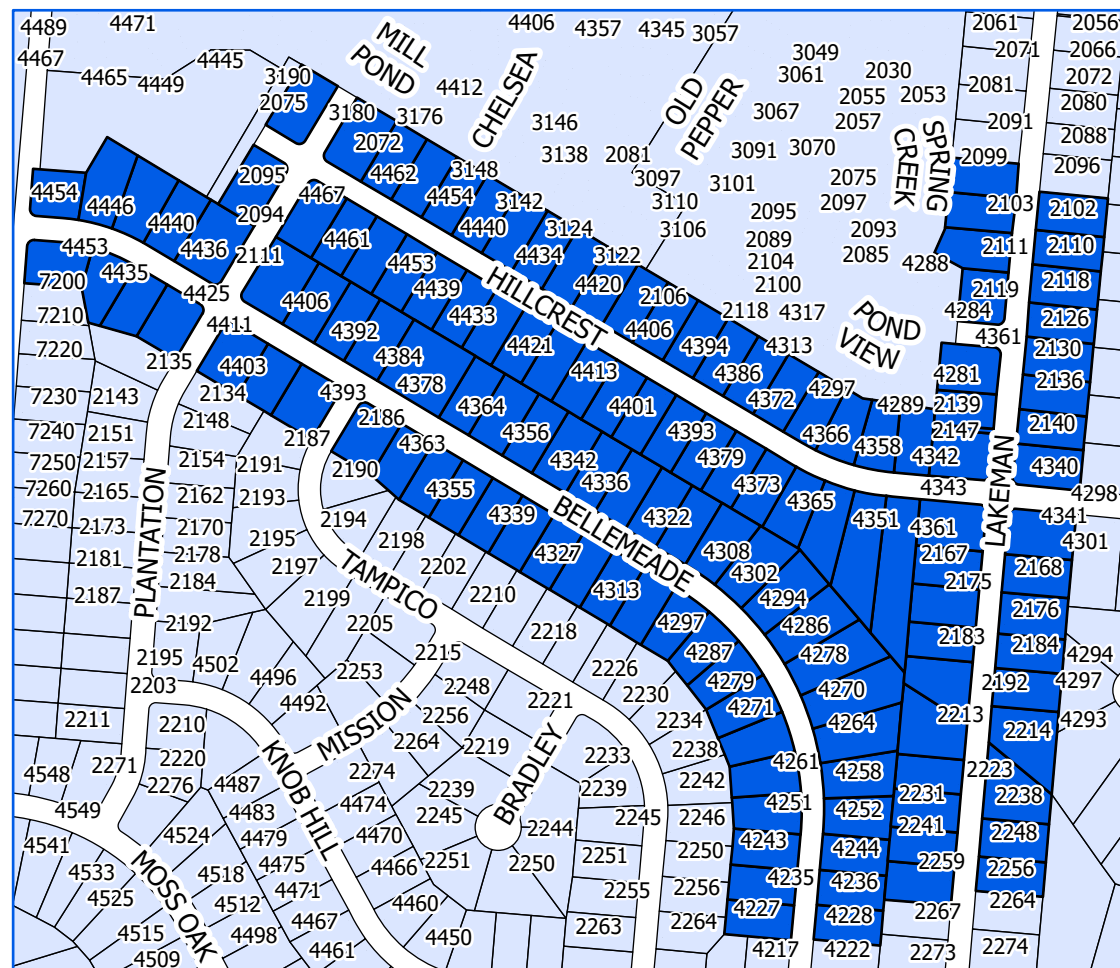
1. Insufficient information available to make a determination.
2. Lowest Adjacent Grade and Lowest Finished Floor are below the proposed Base Flood Elevation.
3. Lowest Ground Elevation is below the proposed Base Flood Elevation.
4. Revised hydrologic and hydraulic analyses.
5. Revised topographic information.
6. Superseded by another LOMC.

4. LOMCs To Be Redetermined

The LOMCs in Category 2 above will be revalidated through a single revalidation letter that reaffirms the validity of the determination in the previously issued LOMC. For LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures is no longer valid, the LOMC cannot be revalidated through this administrative process. Therefore, we will review the data previously submitted for the LOMC requests listed below and if appropriate issue a new determination for the affected properties after the effective date of the revised FIRM.

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMA	00-05-5092X	08/15/2000	LOT 28, BLOCK 1, ACADAMEY HEIGHTS - 2119 VEMCO DRIVE	3901940001B	39057C0113E 39057C0114E

N F I P
P a r c e l s





Bellbrook- Changes Since Last FIRM

Item A. Section 8, Item

This map was created using the current effective FIRM and the preliminary FIRM.
It is to be used for informational purposes only.

Legend

Streams

Changes Since Last FIRM

Contraction

Expansion

Special Flood Hazard Area

A, AE, AH, AO; AE, ; A,

AE, COASTAL FLOODPLAIN

AE, FLOODWAY

0.2 PCT ANNUAL CHANCE FLOOD

REDUCED FLOOD RISK DUE TO LEVEE



BELLBROOK

File Attachments for Item:

A. Resolution No. 2022-R-7 DECLARING CERTAIN CITY OWNED PROPERTY NO LONGER REQUIRED FOR MUNICIPAL PURPOSES AS SURPLUS AND AUTHORIZING DISPOSAL OF SAID PROPERTY



AGENDA ITEM INFORMATION REPORT

Meeting Type: City Council Meeting

Meeting Date: 2/14/2022

Department: Administration

Submitted By: Rob Schommer

AGENDA ITEM DESCRIPTION:

Resolution

Resolution No. 2022-R-7 DECLARING CERTAIN CITY OWNED PROPERTY NO LONGER REQUIRED FOR MUNICIPAL PURPOSES AS SURPLUS AND AUTHORIZING DISPOSAL OF SAID PROPERTY

FISCAL IMPACT:

Cost: N/A **Source of Funds:** Choose an item.

Funds Currently Budgeted: Choose an item.

Notes/Implications: Click or tap here to enter text.

PURPOSE AND BACKGROUND:

There are two vehicles ready to be sold at auction. Considering the vehicles original cost, and the requirements of the disposal and surplus process, Council has to approve the disposal of these items. The attached Resolution gives authorization to dispose of the vehicles and selling them via online auction. The proceeds of the sales will be returned to the general fund.

RECORD OF RESOLUTIONS

Item A. Section 9, Item

Resolution No. 2022-R-7

February 14, 2022

City of Bellbrook State of Ohio

Resolution No. 2022-R-7

DECLARING CERTAIN CITY OWNED PROPERTY NO LONGER REQUIRED FOR MUNICIPAL PURPOSES AS SURPLUS AND AUTHORIZING DISPOSAL OF SAID PROPERTY

WHEREAS, the City of Bellbrook is in possession of certain property at an estimated value over \$2,500 that is no longer needed for municipal purposes; and

WHEREAS, the property is desired to be sold via an internet-based auction process

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY RESOLVES:

Section 1. Consistent with the provisions of the Ohio Revised Code Section 721.15 and Section 230.06 of the Bellbrook Code of Ordinances and purchasing procedures, the following equipment is declared surplus, no longer needed for municipal purposes, and authorization is hereby granted to dispose of the property consistent with the provisions of Bellbrook Ordinances by means of an internet-based auction:

ITEM-----	VIN-----	ASSET ID
2005 John Deer 410G	T0410GX953376	04695
ITEM-----	VIN-----	ASSET ID
2015 Ford Explorer	1FM5K8AR6FGA28747	

Section 2. That it is found and determined that all formal actions of the City Council relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including §121.22 of the Revised Code of the State of Ohio.

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

PASSED BY City Council this ____ day of _____, 2022.

____ Yeas; ____ Nays.

AUTHENTICATION:

Michael W. Schweller, Mayor

Robert Schommer, Clerk of Council

File Attachments for Item:

A. City Manager update on various topics



AGENDA ITEM INFORMATION REPORT

Meeting Type: City Council Meeting

Meeting Date: 2/14/2022

Department: Administration

Submitted By: Rob Schommer

AGENDA ITEM DESCRIPTION:

City Manager Report

City Manager update on various topics

FISCAL IMPACT:

Cost: N/A **Source of Funds:** Choose an item.

Funds Currently Budgeted: Choose an item.

Notes/Implications: Click or tap here to enter text.

PURPOSE AND BACKGROUND:

Technology Updates:

- The analytics and payroll components of the accounting system are underway. There are a number of data conversions that will take place in the coming weeks. The target go-live date is April 1st.
- The new streaming server has been installed and integrated into the website. This will be an in-house streaming system that indexes the videos aligned with the agenda items. In addition the videos and meetings can be easily searched. If things went as planned, this meeting will be streamed with the new system.
- Municode Meetings has been implemented and the agendas for this meeting have been created with it. The system will also be integrated into our website and allows for easy search of meetings and associated documents. A training session for Council's use of the system will occur next meeting.
- The new template for the City website has been created and we are in the process of fine-tuning and converting existing pages to the new look.

ARPA Funds Community Forum:

The Community forum meeting regarding input from residents for use of uncommitted ARPA funds will be on Tuesday February 22 at 6:00pm at City Hall

Livable Age-Friendly Community:

Bellbrook has been recognized as the best place in Ohio to retire and the #2 place in the Midwest to retire. Considering, we are making sure to identify the needs of our residents at retirement age. In partnership with AARP, MVRPC has created the Miami Valley Age Friendly Network (MVAFN) of which Bellbrook is participating. We will be submitting for a grant to conduct a survey of the community in the respective age group to identify areas of concern in the 8 dimensions rated in the Livable Communities network. We will have a presentation with more detail on the network at the February 28 meeting.

File Attachments for Item:

C. Council Rules Amendments for discussion.

Sec. 220.01. Rules of Council.

- (a) *Rule I—General provisions.* No provision or section of these Rules which conflicts with or restricts those rights provided by the Constitution of the United States, the Constitution of the State, the general law or the City Charter shall have any force or effect.
- (b) *Rule II—Meetings.*
 - (1) *Regular meetings.* Meetings will be held on the second and fourth Monday of each month at 7:00 p.m., or as otherwise agreed upon by a majority of Council, and recessed or adjourned at approximately 10:30 p.m. Whenever the date of a regular meeting falls on a legal holiday, Council may, by majority vote, change the day and hour.
 - (2) *Special meetings.* See Charter Section 4.08.
 - (3) *Closed sessions.* See Charter Section 4.08.
- (c) *Rule III—The Chair; powers and duties.*
 - (1) *Call to order; roll call; agenda; minutes.* The Mayor shall take the Chair at the hour appointed for Council to meet and shall immediately call Council to order. The roll call shall then be taken by the Clerk. The agenda for each meeting, which is prepared by the Mayor, may, by a majority vote of Council, be amended. ~~The Clerk shall not be required to read the minutes during the meeting unless a motion is made to direct him or her to do so.~~ Council shall be polled for any addition and/or correction.
 - (2) *Temporary Chairperson.* In the absence of the Mayor, the Deputy Mayor shall preside and shall have the same power to vote as other Council members. In the absence of both the Mayor and the Deputy Mayor, the senior Council member shall preside as if Deputy Mayor. If two or more members have equal Council seniority, the oldest member shall preside.
 - (3) *Conduct of meetings.* The Chair shall preserve decorum and conduct the meetings according to Rule V of these Rules. The meetings shall be conducted under Robert's Rules of Order, except when such Rules conflict with the Charter or these Rules of Council.
 - (4) *Appeals from decisions of the Chair.* If any member transgresses any of these rules of Council, the Chair shall, or any member may, call him or her to order and, in the latter instance, the Chair shall render a decision as to the point of order. In the case of an appeal from a ruling of the Chair, the question shall be: "Shall the decision of the Chair stand and be the decision of Council?" The ruling of the Chair shall be sustained unless overruled by a majority vote of the members of Council present. Should the Chair transgress any of these rules of Council, a point-of-order call shall be made by any member of Council. If the point of order is not resolved in the ensuing discussion, a majority vote of members of Council present shall decide the issue.
 - (5) *Votes.* The Clerk shall call the roll at all times. A vote by electronic means identifying each member's vote may be considered a roll call vote. The order of the vote shall be taken in an order as predetermined by a majority vote of City Council, with the Mayor voting last. The Clerk shall announce the number of votes on each side. It shall not be in order for members to explain their votes while a vote is being taken.
- (d) *Rule IV—Members; duties and privileges.*
 - (1) *Addressing the Chair.* Any member about to speak on a question or make a motion shall address the Chair as Mr. Mayor or Ms. Mayor, or as Mr. Chairperson or Ms. Chairperson if a member other than the Mayor is presiding. In response, the Chair shall pronounce the name of the member entitled to the floor.

Any member of the audience desiring to address Council shall be recognized by the Chair, shall state his or her name and address in an audible tone for the record and shall limit his or her remarks to the question under discussion.

- (2) *Limitation of debate.* Members addressing Council shall confine themselves to the question under discussion and avoid personalities. No member shall be allowed to speak more than once upon any subject until every member choosing to speak has had an opportunity to be heard for a time not longer than five minutes, without leave of Council upon a majority vote. Additional comments shall include only new information. Material previously expressed shall not be rediscussed. This paragraph shall pertain to both the audience and members of Council.
- (3) *Voting.* See subsection (c)(5) hereof and Charter Subsection 4.08(c).
- (e) *Rule V—Order of business.* The order of business of Council shall be as follows:
 - (1) Call to order;
 - (2) Pledge of Allegiance to the Flag;
 - (3) Roll call;
 - A. A motion to excuse absentees ~~for reason;~~
 - (4) Minutes of previous meetings;
 - A. Approval of previous minutes;
 - (5) ~~Announcements and~~ Special guests;
 - A. ~~Announcements;~~
 - (6) Citizens Registered to Speak on Agenda Items
 - ~~(7)~~ Public hearings on proposed ordinances;
 - ~~(7)—Board reports;~~
 - (8) Introduction of ordinances;
 - (9) Adoption of resolutions;
 - ~~(10)~~ Old Business
 - ~~(11)~~ New Business
 - ~~(10)—Reference of legislative proposals to committees;~~
 - (11) City Manager's report;
 - (12) Committee reports:
 - A. Safety;
 - B. Finance and ~~governmental affairs;~~audit
 - C. Service;
 - D. Community affairs;
 - ~~(13)—Bids;~~
 - ~~(14)—Unfinished business;~~
 - ~~(15)—New business;~~

- (16) ~~General floor discussion; City Official Comments~~
- (17) Dates of future committee meetings; and
- (18) Adjournment.
- (f) *Rule VI—Committees.*
- (1) *Standing committees.* The standing committees are Finance/Audit, Safety, Service, and Community Affairs. Other necessary committees are hereby authorized. Appointment of all committee members shall be made by vote of Council at a regular or special meeting.
 - (2) *Committee of the whole.* The Mayor shall preside when Council resolves itself into the Committee of the Whole.
 - (3) *Meetings.* Committees shall meet on call of the Chairperson. All meetings shall be open to the public to the same extent as meetings of the entire Council when dealing with matters of the same general type of subject matter. ~~The Clerk shall publish a schedule of meetings by the fifth day of each month. Such schedule shall include all meetings scheduled for the month as of that day.~~
 - (4) *Quorum.* A majority of members of a committee shall constitute a quorum.
 - (5) *Temporary Chairperson.* In the absence of the Chairperson, the member named next shall act as temporary Chairperson.
 - (6) *Reports.* Reports of committees shall be agreed to by a majority thereof. All documents referred shall be returned to Council with the report of the committee. Upon motion, and by a majority vote, Council may relieve a committee of further consideration of any question and order the question to be placed on the agenda. When any matter is referred to a committee with instruction to report at a time named in the order of reference, failure to report at such time shall be considered as a report without recommendation, unless the time for report is extended by Council. If no such extension is granted, the committee shall immediately return to the Clerk the documents pertaining thereto, and the matter shall take its appropriate place on the agenda.
- (g) *Rule VII—Ordinances and resolutions.* (See Article V of the Charter.)
- (1) *Pre-introduction of ordinances and resolutions.*
 - A. An exact copy of an ordinance which has been approved as to form, or a resolution to be introduced, shall be delivered to the Clerk of Council not later than 8:00 p.m. on the Thursday before the regular Monday Council meeting. In the case of a special Council meeting, the ordinance or resolution shall be delivered to the Clerk of Council not less than 48 hours before the special meeting.
 - B. Emergency ordinances shall be held exempt from the 48-hour time requirement if the subject of the emergency ordinance is the reason for calling the special Council meeting. However, emergency ordinances to be introduced at a regular Council meeting shall be subject to the 48-hour time requirement.
 - C. The Clerk of Council shall notify each member of Council not later than 24 hours prior to the Council meeting and make a copy of the ordinance or resolution available as of that time.
 - (2) *Passage of resolutions.* Resolutions shall be read in their entirety before Council unless such reading is waived by a majority of Council, in which case a synopsis will be presented and, after a properly seconded motion to accept and after discussion, voted upon. (See Sec. 220.01(h) Rule VIII-Motions.)
 - (3) *Introduction of proposed ordinances.* Ordinances may be introduced by a reading of the title and a synopsis of the proposed ordinance. ~~Six copies of all ordinances being introduced shall be made available in their entirety for perusal by the public during the meeting. The Chair shall require their~~

- ~~return to the Clerk at the close of the meeting for re-use at the hearing.~~ An ordinance shall be accepted for introduction after a majority vote on a properly seconded motion to accept for introduction and discussion. (See Sec. 220.01(h) Rule VIII-Motions.) After acceptance, the Chair shall establish a date for the public hearing.
- (4) *Public hearing on proposed ordinances.* ~~Six copies of the proposed ordinance shall be made available in their entirety for perusal by the public during the hearing.~~ After the opening of the hearing, the title and a synopsis shall be read. The Chair shall then call for questions of clarification of the proposed ordinance. Comments for the proposed ordinance and then comments opposed to the proposed ordinance, from the general public, shall be heard. Comments from Council shall be heard next. After Council comments, a motion for, against, or to take up the matter again at a future specified date, shall be in order. A seconded motion shall be voted upon as specified in Sec. 220.01(h)(5) Rule III and the Charter. The procedure described in this subsection shall apply to both regular and emergency ordinances.
- (5) *Emergency ordinances.* Emergency ordinances shall be accepted as described in subsection (g)(4) hereof.
- (h) *Rule VIII—Motions.* When a motion is made, it shall be restated by the Clerk before voting and shall be listed in the minutes of the Council. A motion shall not be withdrawn by the movant without the consent of Council if it has been seconded. Unless otherwise required by law, a motion shall be deemed passed if it receives the affirmative vote of a majority of the members present. Upon the Mayor's ordering of the roll call vote, it is the duty of every member who has an opinion on the question to express it by his or her vote, but he or she cannot be compelled to do so by any rule and may, therefore, abstain from voting.
- (i) ~~*Rule IX—Legislative proposals.* The Clerk shall keep a docket of legislative proposals referred to each of the standing committees. If Council is unable to agree upon the committee to which any particular legislative proposal should be referred, then the reference may be made by the Chair. References to committees shall be made only at regular or special Council meetings and a synopsis of the measure shall be read at the time of reference.~~
- (j) *Rule X—Miscellaneous.*
- (1) *Amending Council rules.* These rules may be amended or altered, or new rules may be adopted, by resolution, after review by the Governmental Affairs Committee and the Municipal Attorney.
- (2) *Enforcement of Council rules.* Any action taken by Council which is not in accordance with the Rules of Council shall be voided if a written protest is filed with the Clerk by any Council member within three days of the infraction. Such protest shall state the section(s) and paragraph(s) violated. The matter in question shall then be made the subject of a special meeting to be held not more than seven days after the date the protest was filed.
- (3) *Quorum.* A majority of all members elected to Council shall constitute a quorum. If a quorum is not present, the Chair may instruct the Sergeant-at-Arms to escort any unexcused member(s) in the City to the meeting.
- (4) *Election of the Deputy-Mayor.* No person shall be considered a candidate for the office of Deputy-Mayor until he or she has been nominated by a member ~~and a secret ballot has been taken.~~ No person shall be declared elected unless he or she receives a majority vote of Council. ~~The Clerk and the Mayor shall count the votes in the presence of Council. After the Mayor announces the winner, the ballots shall be destroyed. No entry of votes shall be entered into the minutes. Only the name of the winning candidate shall be so entered.~~ If no one member receives a majority vote, a second ballot vote shall be taken, the candidates being limited to the two receiving the most votes on the first ballot vote.
- (5) *Municipal Attorney.* The Municipal Attorney shall, when requested by the Mayor or a member of Council, give a verbal opinion on any question of law concerning Bellbrook Municipal affairs in open

Council. If he or she deems the matter of greater importance, he or she may take a reasonable time to submit his or her opinion in writing. He or she shall be required to frame all ordinances into proper legal form. He or she shall not be required to draw any resolution, except upon a majority vote of Council.

- (6) *Sergeant-at-Arms.* The Police Chief or his or her duly appointed representative, when requested, may be called upon to maintain order at the discretion of the Chair.
- (7) *Return of documents.* Upon expiration of a Council member's term of office, he or she shall submit to the Clerk of Council the following documents, if he or she is not re-elected:
 - a. The Zoning Code;
 - b. The Comprehensive Plan;
 - c. The Municipal Code; and
 - d. Other City property.
- (8) *Temporary modification.* Council may temporarily modify these rules at any time by a majority vote of Council.

~~(9) *Motions to table.* Motions to table, after being seconded, may be debated by members of Council. Each member shall be afforded the opportunity to speak and the Chair shall strictly limit such discussion to three minutes for each member.~~

After Council discussion, members from the audience may address the Chair, but must contain their comments to a three-minute time limit.

Discussion shall be limited to the question to table.

(Res. 77-M, passed 10-10-77; Res. 78-J, passed 3-13-78; Res. 80-T, passed 8-25-80; Res. 97-L, passed 10-13-97; Res. 2003-G, passed 3-17-03; Res. 80-4, passed 8-25-80; Ord. No. 2019-9 , § 1, 4-22-2019)