



CITY COUNCIL REGULAR MEETING AGENDA

Monday, March 25, 2024 at 7:00 PM

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

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF THE MINUTES**
 - A. [Approval of the March 11, 2024 Regular City Council meeting minutes.](#)
5. **MAYOR'S ANNOUNCEMENTS AND SPECIAL GUEST**
 - A. 2023 Annual Review Report Presentation by City Departments
6. **CITIZEN COMMENTS**
7. **CITIZENS REGISTERED TO SPEAK ON AGENDA ITEMS**
8. **PUBLIC HEARING OF PROPOSED ORDINANCES**
9. **INTRODUCTIONS OF ORDINANCES**
 - A. Ordinance 2024-O-3 AMENDING ORDINANCE 2023-O-6 BY MAKING SUPPLEMENTAL APPROPRIATIONS FOR EXPENSES OF THE CITY OF BELLBROOK FOR THE PERIOD BEGINNING JANUARY 1, 2024 AND ENDING DECEMBER 31, 2024, AND DECLARING AN EMERGENCY (Cyphers)
Motion to adopt at introduction.
10. **ADOPTION OF RESOLUTIONS**
 - A. [Resolution 2024-R-11 GENERALLY APPROVING A PROJECT FOR AN EXPANSION TO THE WINTER'S LIBRARY FACILITY \(Greenwood\)](#)
11. **OLD BUSINESS**
12. **NEW BUSINESS**
 - A. Motion to direct the City Manager to create and submit to the Mayor of the City of Bellbrook an application for the establishment of a Community Entertainment District as defined in Ohio Revised Code 4301.80
 - B. Council Review of recommended changes to the City Charter as submitted by the Charter Advisory Committee.
13. **CITY MANAGER'S REPORT**
14. **COMMITTEE REPORTS**
 - A. Safety Committee
 - B. Service Committee
 - C. Finance/Audit Committee
 - D. Community Affairs Committee
15. **CITY OFFICIAL COMMENTS**
16. **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, or to negotiations with other political subdivisions respecting requests for economic development assistance that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.
17. **ADJOURNMENT**

File Attachments for Item:

A. Approval of the March 11, 2024 Regular City Council meeting minutes.

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting

March 11, 2024

Item A. Section 4, Item

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

Mayor Schweller led the Council in the Pledge of Allegiance.

3. ROLL CALL

PRESENT

Mr. Logan Ashley

Mrs. Katherine Cyphers

Mr. Forrest Greenwood

Mr. Brady Harding

Mr. Ernie Havens

Mr. T.J. Hoke

Mayor Mike Schweller

4. APPROVAL OF THE MINUTES

A. Approval of the February 26, 2024, Regular Council Meeting minutes.

Mayor Schweller asked if anyone had comments or corrections to the minutes of February 26, 2024, meeting. Hearing none, the minutes were declared to be approved.

5. MAYOR'S ANNOUNCEMENTS AND SPECIAL GUESTS

A. Denise Moore a representative for Sugarcreek Cares spoke on the non-profit organization that represents the Bellbrook-Sugarcreek Communities. Mentioned every year the organization runs a black history month contest and announce this year's winners.

B. Mrs. Dana Duckrow and Kelly Skinner, leaders of the Girl Scouts Troop 322161 spoke on the troop and the Gold Award projects and presentations. Troop members presented their projects to the Council.

6. CITIZEN COMMENTS

None

7. CITIZENS REGISTERED TO SPEAK ON AGENDA ITEMS

None

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting

March 11, 2024

Item A. Section 4, Item

8. PUBLIC HEARING OF PROPOSED ORDINANCES

None

9. INTRODUCTIONS OF ORDINANCES

None

10. ADOPTION OF RESOLUTIONS

A. RESOLUTION 2024-R-10 APPROVING THE FINAL PLAN FOR THE GREENE COUNTY-WIDE 911 SYSTEM PURSUANT TO OHIO REVISED CODE 128.08 (HOKE)

Mr. Schommer spoke about the new statutory requirement for county 911 (PSAP) Public Safety Answering Point.

Mayor Schweller asked if there were any questions regarding Resolution 2024-R-10.

Motion to adopt Resolution 2024-R-10.

Motion made by Mr. Hoke, Seconded by Mr. Havens.

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

Motion Carried.

11. OLD BUSINESS

Mr. Schommer provided detailed steps regarding the goals and priorities.

12. NEW BUSINESS

None

13. CITY MANAGER'S REPORT

Mr. Schommer mentioned the annual department update will occur at the next meeting for 2023.

Also spoke on:

-prepping for the Sugar Maple Festival

-submittals started for approval on the Main and Franklin project

-monitoring of the Greene County Building Department as our Vendor of choice for building inspection and permit process

-water main & water valve work downtown

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting

March 11, 2024

Item A. Section 4, Item

14. COMMITTEE REPORTS

A. Safety Committee

None

B. Service Committee

None

C. Finance/Audit Committee

None

D. Community Affairs Committee

None

15. CITY OFFICIAL COMMENTS

Mr. Ashley: Mentioned it is nice seeing residents attend Council Meetings and getting involved.

Mrs. Cyphers: None

Mr. Harding: Thanked Sugarcreek Cares and Girl Scouts.

Mr. Greenwood: Thanked Sugarcreek Cares and the Girl Scouts for their presentations and hard work.

Mr. Hoke: Thanked Sugarcreek Cares and the Girl Scouts. Enjoyed each presentation for Black History month.

Mr. Havens: Thanked everyone who has attended.

Mayor Schweller: Congratulated Sugarcreek Cares on the great project. Mentioned being very impressed by the Girl Scouts and the Gold Award Project.

16. EXECUTIVE SESSION

17. ADJOURNMENT

Hearing no further business coming before the Council, Mayor Schweller declared the meeting adjourned at 7:45 pm

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting

March 11, 2024

Item A. Section 4, Item

Ernie Havens, Deputy Mayor

Robert Schommer, Clerk of Council

File Attachments for Item:

A. Resolution 2024-R-11 GENERALLY APPROVING A PROJECT FOR AN EXPANSION TO THE WINTER'S LIBRARY FACILITY (Greenwood)

RECORD OF RESOLUTIONS

Item A, Section 10, Item

Resolution No. 2024-R-11

March 25, 2024

City of Bellbrook State of Ohio

Resolution No. 2024-R-11

GENERALLY APPROVING A PROJECT FOR AN EXPANSION TO THE WINTER'S LIBRARY FACILITY

WHEREAS, City Council has initiated many improvements to City owned infrastructure and facilities to upkeep the delivery of service to residents; and

WHEREAS, it has been determined there is a community need and desire to expand the physical plant of the Winter's Library facility in order to provide more adequate programming and service space; and

WHEREAS, City Council has determined the initiation of a project to design, fund, and install an expansion to the library facility is a valuable asset and in the best interest of the City.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY RESOLVES:

Section 1. City Council hereby authorizes and creates the Winter's Library Expansion Project and authorizes the City Manager to work with staff, community volunteers, partner government and service organizations, industry professionals and other such parties as deemed necessary, and to take all necessary actions, including but not limited to the purchase of services and materials and execution of contracts and agreements on behalf of the City that are not adverse to the best interest of the City for the design and funding of an appropriate expansion to the Winter's Library facility.

Section 2. The City Manager will present a project plan for approval by City Council prior to the initiation of any construction or installation to include budget, design and funding as stated in the purchasing procedures established for the City.

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 _____, 2024.

_____ Yeas; _____ Nays.

RECORD OF RESOLUTIONS

Item A. Section 10, Item

Resolution No. 2024-R-11

March 25, 2024

AUTHENTICATION:

Michael W. Schweller, Mayor

Robert Schommer, Clerk of Council

File Attachments for Item:

A. Motion to direct the City Manager to create and submit to the Mayor of the City of Bellbrook an application for the establishment of a Community Entertainment District as defined in Ohio Revised Code 4301.80



City of Bellbrook
15 East Franklin Street
Bellbrook, Ohio 45305

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F (937) 848-5190

www.cityofbellbrook.org

Community Entertainment District Application
March 2024

Applicant's Name and Address

City of Bellbrook
c/o Rob Schommer, City Manager
15 East Franklin Street
Bellbrook, Ohio 45305
(937) 848-4666

Detailed Map of the Community Entertainment District (CED)

The attached exhibit serves as the map of the proposed district that encompasses a total of 45.5 acres. The applicant is the property owner of the land listed below inside the proposed CED.

1. The City of Bellbrook – L35000100020004200
2. The City of Bellbrook – L35000200050004700
3. The City of Bellbrook – L35000200050004500
4. The City of Bellbrook – L35000200050004300
5. The City of Bellbrook – L35000200050004900
6. The City of Bellbrook – L35000200050004400
7. The City of Bellbrook – L35000200050004200
8. The City of Bellbrook – L35000100020005000
9. The City of Bellbrook – L35000100020004900
10. The City of Bellbrook – L35000100020004800
11. The City of Bellbrook – L35000100020004600

Attached as Exhibit A.

Nature and Type of Establishments

The Ohio Revised Code, in Section 4301.80(A), a Community Entertainment District is defined as follows:

(A) As used in this section, "community entertainment district" means a bounded area that includes or will include a combination of entertainment, retail, educational, sporting, social, cultural, or arts establishments within close proximity to some or all of the following types of establishments within the district, or other types of establishments similar to these:

- (1) Hotels;
- (2) Restaurants;
- (3) Retail sales establishments;
- (4) Enclosed shopping centers;
- (5) Museums;
- (6) Performing arts theaters;
- (7) Motion picture theaters;
- (8) Night clubs;
- (9) Convention facilities;
- (10) Sports facilities;
- (11) Entertainment facilities or complexes;
- (12) Any combination of the establishments described in division (A)(1) to (11) of this section that provide similar services to the community.

The CED contains a diverse group of businesses engaged in commercial activity, including restaurants, retail sales establishments, service establishments, and many other complimentary businesses.

Timeframe for Completion of Establishments

The proposed CED is fully developed. However, redevelopment of several properties will begin in 2024.

Evidence that Land in the CED is Consistent with the City's Comprehensive Plan

The land uses in the proposed CED are consistent with the City's Comprehensive Plan.

Attached as Exhibit B.

Certificate from Surveyor/Engineer that CED Contains at Least Twenty Contiguous Acres

Attached as Exhibit C

A processing Fee of Ten Dollars (\$10) made payable to the City of Bellbrook was submitted with the original application.

Exhibit A



----- Indicates outline of proposed Community Entertainment District

----- Indicates property owned by applicant



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Exhibit B

March 19, 2024

City of Bellbrook
15 East Franklin Street
Bellbrook, Ohio 45305

RE: Community Entertainment District-Bellbrook East

Dear Sir or Madam:

Please be advised that the proposed Community Entertainment District-Bellbrook East for which boundaries are defined on the attached map (Exhibit A) are consistent with the City's Comprehensive Plan and Zoning Map as required in Ohio Revised Code Section 4301.80(B)(5).

City of Bellbrook

By: _____

A handwritten signature in blue ink that reads "J Foster".

Jason Foster, OhioCED
Community Development Administrator



March 20, 2024

Mayor Michael Schweller
City of Bellbrook
15 East Franklin Street
Bellbrook, OH 45305

Re: Community Entertainment District – Bellbrook East

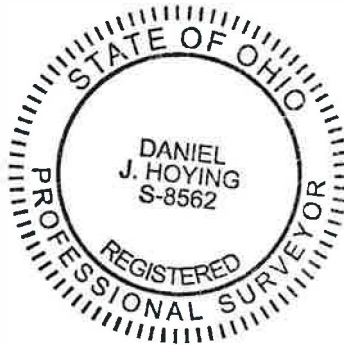
Dear Mayor Schweller:

Please be advised that the proposed Community Entertainment District – Bellbrook East, for which boundaries are outlined in blue as defined on the attached map (Exhibit A), contains no less than twenty (20) contiguous acres as required in the Ohio Revised Code Section 4301.80(B)(6).

Sincerely,

LJB Inc.

Daniel Hoying, P.E., P.S., STP
Project Development, Infrastructure



STRUCTURAL



FALL PROTECTION
SAFETY



TRANSPORTATION



SITE DESIGN



SURVEY



WATER
RESOURCES



TECHNOLOGY
& INNOVATION



Community Entertainment District Application

March 2024

Applicant's Name and Address

Treig LLC
c/o Matthew Borszcz
4441 State Route 725
Bellbrook, Ohio 45305
(937) 475-6579

Detailed Map of the Community Entertainment District (CED)

The attached exhibit serves as the map of the proposed district that encompasses a total of twenty-three (23) acres. The applicant is the property owner of the land listed below inside the proposed CED.

1. Treig LLC – L35000200130017900

Attached as Exhibit A.

Nature and Type of Establishments

The Ohio Revised Code, in Section 4301.80(A), a Community Entertainment District is defined as follows:

(A) As used in this section, "community entertainment district" means a bounded area that includes or will include a combination of entertainment, retail, educational, sporting, social, cultural, or arts establishments within close proximity to some or all of the following types of establishments within the district, or other types of establishments similar to these:

- (1) Hotels;
- (2) Restaurants;
- (3) Retail sales establishments;
- (4) Enclosed shopping centers;
- (5) Museums;
- (6) Performing arts theaters;
- (7) Motion picture theaters;
- (8) Night clubs;
- (9) Convention facilities;
- (10) Sports facilities;
- (11) Entertainment facilities or complexes;
- (12) Any combination of the establishments described in division (A)(1) to (11) of this section that provide similar services to the community.

The CED contains a diverse group of businesses engaged in commercial activity, including restaurants, retail sales establishments, service establishments, and many other complimentary businesses.

Timeframe for Completion of Establishments

The proposed CED is fully developed with the exception of two parcels on the western boundary line totaling 7.36 acres. These parcels could be developed as early as 2025.

Evidence that Land in the CED is Consistent with the City's Comprehensive Plan

The land uses in the proposed CED are consistent with the City's Comprehensive Plan.

Attached as Exhibit B.

Certificate from Surveyor/Engineer that CED Contains at Least Twenty Contiguous Acres

Attached as Exhibit C

A processing Fee of Ten Dollars (\$10) made payable to the City of Bellbrook was submitted with the original application.

Exhibit A



----- Indicates outline of Community Entertainment District-Bellbrook West

----- Indicates property owned by applicant



City of Bellbrook

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Exhibit B

March 19, 2024

City of Bellbrook
15 East Franklin Street
Bellbrook, Ohio 45305

RE: Community Entertainment District-Bellbrook West

Dear Sir or Madam:

Please be advised that the proposed Community Entertainment District-Bellbrook West for which boundaries are defined on the attached map (Exhibit A) are consistent with the City's Comprehensive Plan and Zoning Map as required in Ohio Revised Code Section 4301.80(B)(5).

City of Bellbrook

By: _____

A handwritten signature in blue ink that reads "J Foster".

Jason Foster, OhioCED
Community Development Administrator



March 20, 2024

Mayor Michael Schweller
City of Bellbrook
15 East Franklin Street
Bellbrook, OH 45305

Re: Community Entertainment District – Bellbrook West

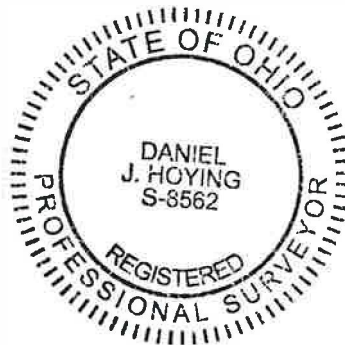
Dear Mayor Schweller:

Please be advised that the proposed Community Entertainment District – Bellbrook West, for which boundaries are outlined in blue as defined on the attached map (Exhibit A), contains no less than twenty (20) contiguous acres as required in the Ohio Revised Code Section 4301.80(B)(6).

Sincerely,

LJB Inc.

Daniel Hoying, P.E., P.S., STP
Project Development, Infrastructure



STRUCTURAL



FALL PROTECTION
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SITE DESIGN



SURVEY



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& INNOVATION



File Attachments for Item:

B. Council Review of recommended changes to the City Charter as submitted by the Charter Advisory Committee.

PREAMBLE

We, the people of the City of Bellbrook, grateful to the Almighty Creator-God for our civil and religious freedom. ~~We want to protect these freedoms and desiring to secure the benefits of that freedom~~ for ourselves, our children, and ~~their children future generations.~~, recognizing We understand that all political power originates incomes from the people and ~~desiring to obtain unanimity,~~we want to schieve unity and have the full benefits of a full blessing of home rule and a most orderly arrangement of local self-government under the Constitution of the State of Ohio. ~~de-Therefore, we~~ hereby establish ~~and adopt~~ this Charter of the Municipal Corporation of Bellbrook, Greene County, Ohio. This Charter was put into,~~which took~~ effect January 1, 1972, and ~~which has~~ subsequently ~~has~~ been amended.

(Nov. 3, 1981; Nov. 5, 2013)

Section 4.11. Vacancies: Forfeiture of Office: Disability: Filling of Vacancies.

- (a) *Vacancies:* The office of a Council member shall become vacant upon his or her death, resignation, forfeiture or removal from office in any manner authorized by this Charter.

(Nov. 3, 1981; Nov. 4, 2003)

- (b) *Forfeiture of Office:* A member of Council shall forfeit his or her office if he or she: (1) lacks at any time during his term of office any qualifications for the office prescribed by this Charter; (2) intentionally violates any express prohibition of this Charter; (3) is convicted of a felony; (4) fails to attend three consecutive regular meetings of Council without being excused by the Council.

(Nov. 2, 1993; Nov. 4, 2003)

- (c) *Disability:* Based on competent medical consultation, the office of Mayor, Deputy-Mayor or member of Council may be declared vacant by Council, using procedures prescribed by ordinance, if his or her disability adversely affects the operation of the Municipal Government.

(Nov. 3, 1981; Nov. 4, 2003)

- (d) *Filling of Vacancies:* Vacancies in the office of a member of Council shall be advertised in at least one newspaper of general circulation within the City of Bellbrook and published in accordance to section 12.09 of this Charter. Vacancies shall be filled within 60 days by vote of a majority of the remaining members of Council. The individual selected by Council to fill a vacancy shall be a qualified elector of the City of Bellbrook. If a vacancy occurs in one or more positions among Council members-elect, Council of the new term shall appoint, by majority vote, a qualified elector of the City of Bellbrook to fill the vacancy. If the Council fails to fill any vacancy within 60 days following the occurrence of the vacancy, the power of Council to fill the vacancy shall lapse and the Clerk of Council, by authority of this Charter, shall request the Board of Elections of Greene County to hold a Special Election to fill the vacancy. Such Special Election shall be held not sooner than 90 days and not later than 150 days following the occurrence of the vacancy. A special Election need not be held if a regular election occurs between the 90-day and the 150-day period.

(Nov. 2, 1993; Nov. 4, 2003; Nov. 5, 2013)

- (e) *Filling of More Than Three Vacancies (Quorum of Council Does Not Exist):* A Council consisting of less than four members shall have the authority to choose an additional member but it shall have no other authority until a full quorum of four is attained. More than three vacancies in the office of a Council member shall be filled within 30 days by vote of a majority of the remaining members of Council in the following manner:

- (1) Remaining member(s) of Council shall vote to appoint one qualified elector of the City of Bellbrook to fill one existing vacancy.
- (2) After that newly appointed member of Council takes office, the newly constituted Council shall again vote to appoint one qualified elector of the City of Bellbrook to fill one existing vacancy.
- (3) The above procedure (Steps 1 and 2) shall be repeated until a quorum of Council shall exist, at which time remaining vacancies shall be filled according to the provisions of Section 4.11(d).

(Nov. 3, 1981; Nov. 4, 2003; Nov. 5, 2013)

- (f) *Replacing Entire Council:* Vacancies in the office of a Council member when Council has no remaining members shall be filled in the following manner:

- (1) The Planning Board, in consultation with the City Manager or his designated successor, shall by vote of a majority of its members, appoint one qualified elector of the City of Bellbrook to fill one existing vacancy.
- (2) After that newly appointed member of Council takes office, he or she shall form a new Council according to the provisions of Section 4.11(e).

Any appointee under Sections 4.11(d),(e) or (f) shall qualify under the provisions of this Charter, shall hold office, and shall serve until the next regular Municipal election when a new Council member shall be elected to complete the unexpired term, if any. Any Council member under this section, elected at the Special Election, shall qualify under the provisions of this Charter, shall hold office, and shall serve for the remainder of the unexpired term.

(Nov. 3, 1981; Nov. 4, 2003)

Section 4.11. Vacancies: Forfeiture of Office: Disability: Filling of Vacancies.

- (a) *Vacancies:* The office of a Council member shall become vacant upon his or her death, resignation, forfeiture or removal from office in any manner authorized by this Charter.

(Nov. 3, 1981; Nov. 4, 2003)

- (b) *Forfeiture of Office:* A member of Council shall forfeit his or her office if he or she: (1) lacks at any time during his term of office any qualifications for the office prescribed by this Charter; (2) intentionally violates any express prohibition of this Charter; (3) is convicted of a felony; (4) fails to attend three consecutive regular meetings of Council without being excused by the Council.

(Nov. 2, 1993; Nov. 4, 2003)

- (c) *Disability:* Based on competent medical consultation, the office of Mayor, Deputy-Mayor or member of Council may be declared vacant by Council, using procedures prescribed by ordinance, if his or her disability adversely affects the operation of the Municipal Government.

(Nov. 3, 1981; Nov. 4, 2003)

- (d) *Filling of Vacancies:* Vacancies in the office of a member of Council shall be advertised in at least one newspaper of general circulation within the City of Bellbrook and filled within 60 days by vote of a majority of the remaining members of Council. The individual selected by Council to fill a vacancy shall be a qualified elector of the City of Bellbrook. If a vacancy occurs in one or more positions among Council members-elect, Council of the new term shall appoint, by majority vote, a qualified elector of the City of Bellbrook to fill the vacancy. If the Council fails to fill any vacancy within 60 days following the occurrence of the vacancy, the power of Council to fill the vacancy shall lapse and the Clerk of Council, by authority of this Charter, shall request the Board of Elections of Greene County to hold a Special Election to fill the vacancy. Such Special Election shall be held not sooner than 90 days and not later than 150 days following the occurrence of the vacancy. A special Election need not be held if a regular election occurs between the 90-day and the 150-day period.

(Nov. 2, 1993; Nov. 4, 2003; Nov. 5, 2013)

- (e) *Filling of More Than Three Vacancies (Quorum of Council Does Not Exist):* A Council consisting of less than four members shall have the authority to choose an additional member but it shall have no other authority until a full quorum of four is attained. More than three vacancies in the office of a Council member shall be filled within 30 days by vote of a majority of the remaining members of Council in the following manner:

- (1) Remaining member(s) of Council shall vote to appoint one qualified elector of the City of Bellbrook to fill one existing vacancy.
- (2) After that newly appointed member of Council takes office, the newly constituted Council shall again vote to appoint one qualified elector of the City of Bellbrook to fill one existing vacancy.
- (3) The above procedure (Steps 1 and 2) shall be repeated until a quorum of Council shall exist, at which time remaining vacancies shall be filled according to the provisions of Section 4.11(d).

(Nov. 3, 1981; Nov. 4, 2003; Nov. 5, 2013)

- (f) *Replacing Entire Council:* Vacancies in the office of a Council member when Council has no remaining members shall be filled in the following manner:

- (1) The Planning Board, in consultation with the City Manager or his designated successor, shall by vote of a majority of its members, appoint ~~one~~four qualified electors of the City of Bellbrook to fill ~~one~~four

existing vacancies. The appointments shall be structured to place two appointees into one general election cycle and two placed into the next general election cycle to maintain staggered terms.

- (2) After the ~~eat~~ newly appointed members of Council take office, ~~he or she~~ they shall ~~form a new Council~~ fill remaining vacancies according to the provisions of Section 4.11(e).

Any appointee under Sections 4.11(d), (e) or (f) shall qualify under the provisions of this Charter, shall hold office, and shall serve until the next regular Municipal election when a new Council member shall be elected to complete the unexpired term, if any. Any Council member under this section, elected at the Special Election, shall qualify under the provisions of this Charter, shall hold office, and shall serve for the remainder of the unexpired term.

(Nov. 3, 1981; Nov. 4, 2003)

Section 4.12. Recall.

The electors shall have the power to remove from office, by recall election, any member of Council, including the Mayor. The official removed by such recall election shall not be eligible for appointment to the vacancy, nor shall he be eligible for election or appointment to any Municipal Office in Bellbrook for a period of five years from the date of the recall election or the date of his resignation under this Section. The procedure to effect such removal shall be as follows:

A petition demanding removal shall be filed with the Clerk of Council, who shall note thereon the name and address of the person filing the petition and the date of such filing. Such petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument.

Each part shall contain the name and office of the person whose removal is sought and a statement in two hundred (200) words or less of the grounds for removal. Such petition shall be signed by a number of electors at least equal to fifteen (15) percent of the total number of electors voting in the last regular municipal election for the office of Mayor. Within ten (10) days after the day on which such petition is filed, the Clerk of Council shall determine whether or not it meets the requirements thereof.

If the Clerk of Council shall find the petition insufficient, the Clerk shall promptly certify the particulars in which the petition is defective, and deliver by certified mail a copy of the certification to the person who filed the petition with the Clerk. Such person shall be allowed a period of twenty (20) days after the day on which such delivery was made to make the petition sufficient. If the Clerk of Council shall then find the petition sufficient, the Clerk shall promptly so certify to the person filing the petition, shall deliver a copy of such certification to the officer whose removal is sought, and shall make a record of such delivery. If such officer shall not resign within five (5) days after the day on which such delivery shall have been made, the Council shall thereupon fix a day for holding a recall election. The date so fixed shall be such as to enable the Clerk to certify the issue to the Greene County Board of Elections not less than seventy-five (75) days before the day of election. Furthermore, the date so fixed shall be not more than one hundred twenty (120) days following the date of such delivery.

At such recall election the following question shall be placed on the ballot: "Shall (naming the officer) be removed from the office of (naming the office)?" with provision on the ballot for voting affirmatively or negatively on such question. If a majority of the votes cast at such election shall be voted negatively, such officer shall remain in office. If a majority of the votes cast shall be voted affirmatively, such officer shall be considered removed on the date that election is certified by the Board of Elections, the office shall be deemed vacant, and such vacancy shall be filled as provided in this Charter. Any officer of the City of Bellbrook subject to a recall election who receives a majority of negative votes thereby allowing said officer to remain in office, shall not be subject to a recall petition for twelve (12) months from the date of that recall election.

(Nov. 2, 1993; Nov. 4, 2003; Nov. 5, 2013)

Section 5.04. Passage of Ordinances.

A proposed ordinance may be introduced by any Council member at any regular or special meeting of the Council. After approval by the Department of Law as to correct form and legality, the Clerk of Council shall distribute exact copies of the proposed ordinance not later than 24 hours prior to discussion to each member of Council, the Mayor, and the City Manager. Upon introduction of any proposed ordinances, the Clerk of Council (1) shall file a reproducible copy in the office of the Clerk of Council, and (2) shall publish the proposed ordinance, together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

The purpose of this publishing is to maximize public awareness of the proposed ordinance(s) and of the associated public hearing date, time, and location. The procedure for publishing is ~~the same as defined in section 12.09 of this Charter, to post the material in a designated local library and on the City's web site and to distribute the material in summary form at least three additional times using one or any combination of the following methods:~~

~~(a) Printing in one or more newspapers of general circulation in the City of Bellbrook;~~

~~(b) Posting in public places in the City of Bellbrook; or~~

~~(c) Distribution via broadcasting or electronic methods likely to attract the attention of the citizens of the City of Bellbrook.~~

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(Nov. 7, 1978; Nov. 3, 1981; Nov. 4, 2003; Nov. 5, 2013)

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The Department of Law shall be headed by a Director who shall also be known as the Municipal Attorney. The Director shall be an Attorney-at-Law, admitted to the practice of law in the State of Ohio, and be in good professional standing. The Director shall serve as chief legal advisor to the Council, the Manager and all Municipal Departments, Boards and Commissions and shall perform such duties as may be assigned to the office of Solicitor by general law, as well as those assigned by the Administrative Code.

(Nov. 4, 2003)

Section 11.04. Public Information.

The Council shall have the power to appropriate and expend public funds to pay the cost of providing information to the public in connection with Municipal elections on tax levies, bond issues, and other public issues. Such public funds shall not be used to advocate for any candidate or ballot issue.~~for the promotion of candidates for individual office.~~

Section 12.05. Amendments to the Charter.

- (a) *Submission:* Any provisions of this Charter may be amended as provided in Article XVIII, Section 9 and Section 8 of the Ohio Constitution.
- (b) *Review:* At the first meeting of the Council in December, 2002, and every ten years thereafter, Council shall appoint a Charter Review Commission of at least ~~15~~7 qualified electors of the City of Bellbrook to review the existing Charter and to make such recommendations for revision as the Commission may see fit. The Commission shall submit its report to Council not later than June 1st of the following year. Council shall consider such report and thereafter proceed under Article XVIII, Section 9 of the Ohio Constitution to submit for voter approval, such Charter revisions as Council shall deem to be appropriate.

(Nov. 2, 1993; Nov. 4, 2003; Nov. 5, 2013)

- (c) *Conflicting Amendments:* In the event conflicting amendments to the Charter are approved at the same election by a majority of the total number of votes cast, the one receiving the highest number of affirmative votes shall be the amendment to the Charter.

Section 12.09. Publish.

The procedure for publishing is to post the material in a designated ~~local library area at City Hall~~ and ~~distribution via broadcasting on the City website and electronic methods likely to attract the attention of the citizens of the City of Bellbrook.~~ ~~on the City's website and to distribute the material in summary form at least three additional times using one or any combination of the following methods:~~

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(Nov. 5, 2013)

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PREAMBLE

We, the people of the City of Bellbrook, grateful to the Almighty Creator-God for our civil and religious freedom. ~~We want to protect these freedoms and desiring to secure the benefits of that freedom~~ for ourselves, our children, and ~~their children future generations.~~, ~~recognizing We understand~~ that all political power ~~originates incomes from~~ the people and ~~desiring to obtain unanimity, we want to schieve unity and have the full benefits of a full blessing of home rule and a most orderly arrangement of~~ local self-government under the Constitution of the State of Ohio. ~~de-Therefore, we~~ hereby establish ~~and adopt~~ this Charter of the Municipal Corporation of Bellbrook, Greene County, Ohio. ~~This Charter was put into, which took~~ effect January 1, 1972, and ~~which has~~ subsequently ~~has~~ been amended.

(Nov. 3, 1981; Nov. 5, 2013)

Section 4.11. Vacancies: Forfeiture of Office: Disability: Filling of Vacancies.

- (a) *Vacancies:* The office of a Council member shall become vacant upon his or her death, resignation, forfeiture or removal from office in any manner authorized by this Charter.

(Nov. 3, 1981; Nov. 4, 2003)

- (b) *Forfeiture of Office:* A member of Council shall forfeit his or her office if he or she: (1) lacks at any time during his term of office any qualifications for the office prescribed by this Charter; (2) intentionally violates any express prohibition of this Charter; (3) is convicted of a felony; (4) fails to attend three consecutive regular meetings of Council without being excused by the Council.

(Nov. 2, 1993; Nov. 4, 2003)

- (c) *Disability:* Based on competent medical consultation, the office of Mayor, Deputy-Mayor or member of Council may be declared vacant by Council, using procedures prescribed by ordinance, if his or her disability adversely affects the operation of the Municipal Government.

(Nov. 3, 1981; Nov. 4, 2003)

- (d) *Filling of Vacancies:* Vacancies in the office of a member of Council shall be advertised in at least one newspaper of general circulation within the City of Bellbrook and published in accordance to section 12.09 of this Charter. Vacancies shall be filled within 60 days by vote of a majority of the remaining members of Council. The individual selected by Council to fill a vacancy shall be a qualified elector of the City of Bellbrook. If a vacancy occurs in one or more positions among Council members-elect, Council of the new term shall appoint, by majority vote, a qualified elector of the City of Bellbrook to fill the vacancy. If the Council fails to fill any vacancy within 60 days following the occurrence of the vacancy, the power of Council to fill the vacancy shall lapse and the Clerk of Council, by authority of this Charter, shall request the Board of Elections of Greene County to hold a Special Election to fill the vacancy. Such Special Election shall be held not sooner than 90 days and not later than 150 days following the occurrence of the vacancy. A special Election need not be held if a regular election occurs between the 90-day and the 150-day period.

(Nov. 2, 1993; Nov. 4, 2003; Nov. 5, 2013)

- (e) *Filling of More Than Three Vacancies (Quorum of Council Does Not Exist):* A Council consisting of less than four members shall have the authority to choose an additional member but it shall have no other authority until a full quorum of four is attained. More than three vacancies in the office of a Council member shall be filled within 30 days by vote of a majority of the remaining members of Council in the following manner:

- (1) Remaining member(s) of Council shall vote to appoint one qualified elector of the City of Bellbrook to fill one existing vacancy.
- (2) After that newly appointed member of Council takes office, the newly constituted Council shall again vote to appoint one qualified elector of the City of Bellbrook to fill one existing vacancy.
- (3) The above procedure (Steps 1 and 2) shall be repeated until a quorum of Council shall exist, at which time remaining vacancies shall be filled according to the provisions of Section 4.11(d).

(Nov. 3, 1981; Nov. 4, 2003; Nov. 5, 2013)

- (f) *Replacing Entire Council:* Vacancies in the office of a Council member when Council has no remaining members shall be filled in the following manner:

- (1) The Planning Board, in consultation with the City Manager or his designated successor, shall by vote of a majority of its members, appoint one qualified elector of the City of Bellbrook to fill one existing vacancy.
- (2) After that newly appointed member of Council takes office, he or she shall form a new Council according to the provisions of Section 4.11(e).

Any appointee under Sections 4.11(d),(e) or (f) shall qualify under the provisions of this Charter, shall hold office, and shall serve until the next regular Municipal election when a new Council member shall be elected to complete the unexpired term, if any. Any Council member under this section, elected at the Special Election, shall qualify under the provisions of this Charter, shall hold office, and shall serve for the remainder of the unexpired term.

(Nov. 3, 1981; Nov. 4, 2003)

Section 4.11. Vacancies: Forfeiture of Office: Disability: Filling of Vacancies.

- (a) *Vacancies:* The office of a Council member shall become vacant upon his or her death, resignation, forfeiture or removal from office in any manner authorized by this Charter.

(Nov. 3, 1981; Nov. 4, 2003)

- (b) *Forfeiture of Office:* A member of Council shall forfeit his or her office if he or she: (1) lacks at any time during his term of office any qualifications for the office prescribed by this Charter; (2) intentionally violates any express prohibition of this Charter; (3) is convicted of a felony; (4) fails to attend three consecutive regular meetings of Council without being excused by the Council.

(Nov. 2, 1993; Nov. 4, 2003)

- (c) *Disability:* Based on competent medical consultation, the office of Mayor, Deputy-Mayor or member of Council may be declared vacant by Council, using procedures prescribed by ordinance, if his or her disability adversely affects the operation of the Municipal Government.

(Nov. 3, 1981; Nov. 4, 2003)

- (d) *Filling of Vacancies:* Vacancies in the office of a member of Council shall be advertised in at least one newspaper of general circulation within the City of Bellbrook and filled within 60 days by vote of a majority of the remaining members of Council. The individual selected by Council to fill a vacancy shall be a qualified elector of the City of Bellbrook. If a vacancy occurs in one or more positions among Council members-elect, Council of the new term shall appoint, by majority vote, a qualified elector of the City of Bellbrook to fill the vacancy. If the Council fails to fill any vacancy within 60 days following the occurrence of the vacancy, the power of Council to fill the vacancy shall lapse and the Clerk of Council, by authority of this Charter, shall request the Board of Elections of Greene County to hold a Special Election to fill the vacancy. Such Special Election shall be held not sooner than 90 days and not later than 150 days following the occurrence of the vacancy. A special Election need not be held if a regular election occurs between the 90-day and the 150-day period.

(Nov. 2, 1993; Nov. 4, 2003; Nov. 5, 2013)

- (e) *Filling of More Than Three Vacancies (Quorum of Council Does Not Exist):* A Council consisting of less than four members shall have the authority to choose an additional member but it shall have no other authority until a full quorum of four is attained. More than three vacancies in the office of a Council member shall be filled within 30 days by vote of a majority of the remaining members of Council in the following manner:

- (1) Remaining member(s) of Council shall vote to appoint one qualified elector of the City of Bellbrook to fill one existing vacancy.
- (2) After that newly appointed member of Council takes office, the newly constituted Council shall again vote to appoint one qualified elector of the City of Bellbrook to fill one existing vacancy.
- (3) The above procedure (Steps 1 and 2) shall be repeated until a quorum of Council shall exist, at which time remaining vacancies shall be filled according to the provisions of Section 4.11(d).

(Nov. 3, 1981; Nov. 4, 2003; Nov. 5, 2013)

- (f) *Replacing Entire Council:* Vacancies in the office of a Council member when Council has no remaining members shall be filled in the following manner:

- (1) The Planning Board, in consultation with the City Manager or his designated successor, shall by vote of a majority of its members, appoint ~~one~~four qualified electors of the City of Bellbrook to fill ~~one~~four

existing vacancies. The appointments shall be structured to place two appointees into one general election cycle and two placed into the next general election cycle to maintain staggered terms.

- (2) After the ~~eat~~ newly appointed members of Council take office, ~~he or she~~ they shall ~~form a new Council~~ fill remaining vacancies according to the provisions of Section 4.11(e).

Any appointee under Sections 4.11(d), (e) or (f) shall qualify under the provisions of this Charter, shall hold office, and shall serve until the next regular Municipal election when a new Council member shall be elected to complete the unexpired term, if any. Any Council member under this section, elected at the Special Election, shall qualify under the provisions of this Charter, shall hold office, and shall serve for the remainder of the unexpired term.

(Nov. 3, 1981; Nov. 4, 2003)

Section 4.12. Recall.

The electors shall have the power to remove from office, by recall election, any member of Council, including the Mayor. The official removed by such recall election shall not be eligible for appointment to the vacancy, nor shall he be eligible for election or appointment to any Municipal Office in Bellbrook for a period of five years from the date of the recall election or the date of his resignation under this Section. The procedure to effect such removal shall be as follows:

A petition demanding removal shall be filed with the Clerk of Council, who shall note thereon the name and address of the person filing the petition and the date of such filing. Such petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument.

Each part shall contain the name and office of the person whose removal is sought and a statement in two hundred (200) words or less of the grounds for removal. Such petition shall be signed by a number of electors at least equal to fifteen (15) percent of the total number of electors voting in the last regular municipal election for the office of Mayor. Within ten (10) days after the day on which such petition is filed, the Clerk of Council shall determine whether or not it meets the requirements thereof.

If the Clerk of Council shall find the petition insufficient, the Clerk shall promptly certify the particulars in which the petition is defective, and deliver by certified mail a copy of the certification to the person who filed the petition with the Clerk. Such person shall be allowed a period of twenty (20) days after the day on which such delivery was made to make the petition sufficient. If the Clerk of Council shall then find the petition sufficient, the Clerk shall promptly so certify to the person filing the petition, shall deliver a copy of such certification to the officer whose removal is sought, and shall make a record of such delivery. If such officer shall not resign within five (5) days after the day on which such delivery shall have been made, the Council shall thereupon fix a day for holding a recall election. The date so fixed shall be such as to enable the Clerk to certify the issue to the Greene County Board of Elections not less than seventy-five (75) days before the day of election. Furthermore, the date so fixed shall be not more than one hundred twenty (120) days following the date of such delivery.

At such recall election the following question shall be placed on the ballot: "Shall (naming the officer) be removed from the office of (naming the office)?" with provision on the ballot for voting affirmatively or negatively on such question. If a majority of the votes cast at such election shall be voted negatively, such officer shall remain in office. If a majority of the votes cast shall be voted affirmatively, such officer shall be considered removed on the date that election is certified by the Board of Elections, the office shall be deemed vacant, and such vacancy shall be filled as provided in this Charter. Any officer of the City of Bellbrook subject to a recall election who receives a majority of negative votes thereby allowing said officer to remain in office, shall not be subject to a recall petition for twelve (12) months from the date of that recall election.

(Nov. 2, 1993; Nov. 4, 2003; Nov. 5, 2013)

Section 5.04. Passage of Ordinances.

A proposed ordinance may be introduced by any Council member at any regular or special meeting of the Council. After approval by the Department of Law as to correct form and legality, the Clerk of Council shall distribute exact copies of the proposed ordinance not later than 24 hours prior to discussion to each member of Council, the Mayor, and the City Manager. Upon introduction of any proposed ordinances, the Clerk of Council (1) shall file a reproducible copy in the office of the Clerk of Council, and (2) shall publish the proposed ordinance, together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

The purpose of this publishing is to maximize public awareness of the proposed ordinance(s) and of the associated public hearing date, time, and location. The procedure for publishing is ~~the same as defined in section 12.09 of this Charter, to post the material in a designated local library and on the City's web site and to distribute the material in summary form at least three additional times using one or any combination of the following methods:~~

~~(a) Printing in one or more newspapers of general circulation in the City of Bellbrook;~~

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(Nov. 5, 2013)

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