



CITY COUNCIL REGULAR MEETING AGENDA

Monday, July 08, 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 June 24, 2024 Regular Meeting minutes
5. **MAYOR'S ANNOUNCEMENTS AND SPECIAL GUEST**
6. **CITIZEN COMMENTS**
7. **CITIZENS REGISTERED TO SPEAK ON AGENDA ITEMS**
8. **PUBLIC HEARING OF PROPOSED ORDINANCES**
 - A. Ordinance 2024-O-10 TO APPROVE A REZONING FROM CENTRAL BUSINESS DISTRICT (B-4) TO PLANNED MIXED-USE DEVELOPMENT (PD-4) FOR THE PROPERTY LOCATED AT 12 WEST FRANKLIN STREET FURTHER IDENTIFIED AS PARCEL L35000100020004200 ON THE GREENE COUNTY AUDITOR'S MAP AND ACCEPTING THE RECOMMENDATION OF THE PLANNING BOARD (ZONING CASE PB 24-01) (Havens)
9. **INTRODUCTIONS OF ORDINANCES**
 - A. Ordinance 2024-O-11 REPEALING CHAPTER 440 "COMMERCIAL AND HEAVY VEHICLES" OF TITLE SIX "VEHICLES AND OPERATION" OF PART FOUR "TRAFFIC CODE" OF THE BELLBROOK MUNICIPAL CODE IN ITS ENTIRETY AND ENACTING A NEW CHAPTER 440 "COMMERCIAL AND HEAVY VEHICLES" OF TITLE SIX "VEHICLES AND OPERATION" OF PART FOUR "TRAFFIC CODE" OF THE BELLBROOK MUNICIPAL CODE (Greenwood)
10. **ADOPTION OF RESOLUTIONS**
 - A. Resolution 2024-R-18 AUTHORIZING A CHANGE ORDER TO THE MAIN AND FRANKLIN IMPROVEMENTS PROJECT AND INCREASING THE SPENDING LIMIT TO OUTDOOR ENTERPRISE TO PERFORM ADDITIONAL CONSTRUCTION WORK (Cyphers)
11. **OLD BUSINESS**
12. **NEW BUSINESS**
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 the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official
17. **ADJOURNMENT**

File Attachments for Item:

A. Approval of the June 24, 2024 Regular Meeting minutes

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting

June 24, 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
Mayor Mike Schweller

ABSENT

Mr. T.J. Hoke

Motion to excuse the absence of Mr. Hoke.

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

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

4. APPROVAL OF THE MINUTES

There were no minutes to approve

5. MAYOR'S ANNOUNCEMENTS AND SPECIAL GUEST

None

6. CITIZEN COMMENTS

David Buccalo 126 Lower Hillside Drive addressed the council about parks. He noted there was something said about parks not being youth centric and believes that is not correct. He commented about the council making selections for board members and asked them to review the applicants for park commissioner.

7. CITIZENS REGISTERED TO SPEAK ON AGENDA ITEMS

None

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting

June 24, 2024

Item A. Section 4, Item

8. PUBLIC HEARING OF PROPOSED ORDINANCES

None

9. INTRODUCTIONS OF ORDINANCES

- A. **Ordinance 2024-O-10**: TO APPROVE A REZONING FROM CENTRAL BUSINESS DISTRICT (B-4) TO PLANNED MIXED-USE DEVELOPMENT (PD-4) FOR THE PROPERTY LOCATED AT 12 WEST FRANKLIN STREET FURTHER IDENTIFIED AS PARCEL L35000100020004200 ON THE GREENE COUNTY AUDITOR'S MAP AND ACCEPTING THE RECOMMENDATION OF THE PLANNING BOARD (ZONING CASE PB 24-01) (Havens)

Deputy Mayor Havens read the Ordinance.

Mr. Schommer briefly reviewed the Ordinance as a re-zoning of City owned property at 12 W. Franklin Street. He noted the Planning Board recommended approval of the re-zoning after a public hearing on the Zoning Case. He added if approved, the Ordinance will have a public hearing at the next Regular City Council Meeting.

The Council members discussed downtown parking concerns.

Motion to introduce Ordinance 2024-O-10

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

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

Motion Carries

10. ADOPTION OF RESOLUTIONS

- A. **Resolution 2024-R-16**: IMPOSING A TEMPORARY MORATORIUM OF ONE HUNDRED AND EIGHTY (180) DAYS ON THE ISSUANCE AND PROCESSING OF ANY PERMITS ALLOWING ADULT USE CANNABIS OPERATORS WITHIN THE CITY OF BELLBROOK (Cyphers)

Mrs. Cyphers read the Resolution.

Mr. Schommer summarized the Resolution to continue the current moratorium on retail recreational use adult cannabis facilities. He noted there are still details and rules to be confirmed by the State and recommends the City maintain a moratorium until a permanent decision on the Code of Ordinances can be determined.

Motion to adopt Resolution 2024-R-16

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

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

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting
June 24, 2024

Item A. Section 4, Item

Schweller
Motion Carries

- B. **Resolution 2024-R-17**: DECLARING CERTAIN CITY OWNED PROPERTY NO LONGER REQUIRED FOR MUNICIPAL PURPOSES AS SURPLUS AND AUTHORIZING DISPOSAL OF SAID PROPERTY (Ashley)

Mr. Ashley read the Resolution.

Mr. Schommer explained the resolution allows the city to declare the out of service police vehicles as surplus and permits the sale through public online auction. He noted the vehicles are decommissioned and prepared for sale.

The Council discussed where the funds are returned to after auction.

Motion to adopt Resolution 2024-R-17

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

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

Motion Carries

11. OLD BUSINESS

None

12. NEW BUSINESS

None

13. CITY MANAGER'S REPORT

Mr. Schommer provided updates on various topics as noted:

The Main and Franklin Street Improvements project has had a few revisions to provide a better outcome after reviewing the field conditions upon excavation. The revisions have not affected the timeline, and the project is still on schedule for completion by the end of August.

The annual paving program has begun and includes milling on Little Sugarcreek Road. The surface pavement was heavily deteriorated, and extra milling is being done to make sure no additional weight is added to the foundation of the road. He noted Wilmington Pike will also be milled and resurfaced.

He noted there is a process to address the parking complaints near Sackett Wright Park which would have to include establishing a permitting process. He suggested prior to enduring the cost as

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting

June 24, 2024

Item A. Section 4, Item

well as ongoing administration of a permit process, placement of some signs to see if that can help reduce the issue.

He noted that after the Annual Financial Report was completed, the audit report of the finances is also now complete and there were no negative findings resulting in another clean audit for the City. The report will be finalized and sent to the Auditor of State for review and certification.

14. COMMITTEE REPORTS

A. Safety Committee: None

B. Service Committee: Mr. Greenwood mentioned the water department may beat a record this month with pumping water. Suggested contacting the Utility Billing Department if a lot of water is used for water lawn, or irrigation. Save by having a meter installed by the city for Irrigation. Maintenance Worker 3 job opening with the service department.

C. Finance/Audit Committee: None

D. Community Affairs Committee: None

15. CITY OFFICIAL COMMENTS

Mr. Ashley: None

Mrs. Cyphers: None

Mr. Greenwood: Spoke on attending the Family Resource Center's Block Party and June 29, 2024. Also, mentioned the Little Miami Water Shed.

Mr. Harding: None

Mr. Havens: Spoke on the residents having the option for a second meter installation to water lawns.

16. EXECUTIVE SESSION

17. ADJOURNMENT

Hearing no further business coming before the Council, Mayor Schweller declared the meeting adjourned at 7:48 pm

Michael Schweller, Mayor

Robert Schommer, Clerk of Council

File Attachments for Item:

A. Ordinance 2024-O-10 TO APPROVE A REZONING FROM CENTRAL BUSINESS DISTRICT (B-4) TO PLANNED MIXED-USE DEVELOPMENT (PD-4) FOR THE PROPERTY LOCATED AT 12 WEST FRANKLIN STREET FURTHER IDENTIFIED AS PARCEL L35000100020004200 ON THE GREENE COUNTY AUDITOR'S MAP AND ACCEPTING THE RECOMMENDATION OF THE PLANNING BOARD (ZONING CASE PB 24-01) (Havens)

**NOTICE
OF
PUBLIC HEARING**



**City Council
Public Hearing**

Monday July 08, 2024 7:00 pm
City Council Chambers 15 E. Franklin Street

**There will be an open Public Hearing by the Bellbrook
City Council regarding Ordinance No.2024-O-10**

A Public Hearing will be held by Bellbrook City Council, regarding Ordinance No2024-O-10

Ordinance 2024-O-10 TO APPROVE A REZONING FROM CENTRAL BUSINESS DISTRICT (B-4) TO PLANNED MIXED-USE DEVELOPMENT (PD-4) FOR THE PROPERTY LOCATED AT 12 WEST FRANKLIN STREET FURTHER IDENTIFIED AS PARCEL L35000100020004200 ON THE GREENE COUNTY AUDITOR'S MAP AND ACCEPTING THE RECOMMENDATION OF THE PLANNING BOARD (ZONING CASE PB 24-01)

Monday July 08, 2024 7:00 pm in the Council Chambers 15 E. Franklin Street.
The public is welcome to attend or send comments to the Clerk of Council at clerk@cityofbellbrook.org. A copy of the Ordinance is attached.

Agenda and additional meeting information available at www.cityofbellbrook.org

Posted 6/25/2024

RECORD OF ORDINANCES

Item A. Section 8, Item

Ordinance No. 2024-O-10

July 8, 2024

City of Bellbrook State of Ohio

Ordinance No. 2024-O-10

TO APPROVE A REZONING FROM CENTRAL BUSINESS DISTRICT (B-4) TO PLANNED MIXED-USE DEVELOPMENT (PD-4) FOR THE PROPERTY LOCATED AT 12 WEST FRANKLIN STREET FURTHER IDENTIFIED AS PARCEL L35000100020004200 ON THE GREENE COUNTY AUDITOR'S MAP AND ACCEPTING THE RECOMMENDATION OF THE PLANNING BOARD (ZONING CASE PB 24-01)

WHEREAS, the citizens of Bellbrook require the efficient and orderly planning of land uses within the City; and

WHEREAS, the Bellbrook Planning Board has reviewed Case PB 24-01 and on June 20, 2024 recommended approval by a vote of 3-0 for the Re-zoning; and

WHEREAS, the Bellbrook City Council has reviewed and considered the issue.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY ORDAINS:

Section 1. The application requesting approval of a Re-zoning (Case PB 24-01) for the property located at 12 West Franklin Street in the City of Bellbrook from Central Business District (B-4) to Planned Mixed-Use Development (PD-4) is hereby approved in accordance with the Planning Board's recommendation.

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 June 2024.

___ Yeas; ___ Nays.

AUTHENTICATION:

Michael W. Schweller, Mayor

Robert Schommer, Clerk of Council

APPROVED AS TO FORM:
Stephen McHugh, Law Director

PLANNING BOARD DECISION RECORD

Item A. Section 8, Item

Decision No. PB 24-04

June 20, 2024

City of Bellbrook State of Ohio

Planning Board Decision Record PB 24-04

WHEREAS, on May 21, 2024, the applicant, the City of Bellbrook requested approval of the re-zoning of 12 W. Franklin Street; and

WHEREAS, the requesting application indicates the property at 12 W. Franklin Street is currently zoned B-4, Central Business District and the proposed zoning district of PD-4, Planned Mixed-Use Development; and

WHEREAS, Article 18 of the Bellbrook Zoning Code gives the Planning Board authority to make a recommendation of the proposed zoning change to City Council

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 the proposed re-zoning of 12 W. Franklin Street from B-4, Central Business District to PD-4, Planned Mixed-Use Development in accordance to the Staff Report and attachments hereto dated May 30, 2024.

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. Boehmer

Roll call vote showed 3 Yeas; 0 Nays.

Motion to approve is PASSED this 20th day of June 2024

AUTHENTICATION:



Denny Bennett, Planning Board Chair



Rob Schommer, Clerk/Secretary



CITY OF BELLBROOK

APPLICATION FOR ZONING AMENDMENT

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

DATE RECEIVED 5 / 21 / 23 STAFF USE APPLICATION # 2024-PB-01

APPLICANT INFORMATION

PROPERTY OWNER CITY OF BELLBROOK PHONE NUMBER 937 848 4622
OWNER ADDRESS 15 E FRANKLIN STREET
APPLICANT NAME CITY OF BELLBROOK PHONE NUMBER 937 848 4622
APPLICANT ADDRESS 15 E FRANKLIN STREET BELLBROOK, OHIO 45305
APPLICANT EMAIL jfoster@cityofbellbrook.org

REQUEST INFORMATION

PROPERTY ADDRESS TO BE REZONED 12 W FRANKLIN STREET
SUBDIVISION OLD VILLAGE DISTRICT LOT NUMBER 53 PARCEL ID L35000100020004200
PRESENT ZONING DISTRICT B-4 PROPOSED ZONING DISTRICT PD-4 (MIXED USE)
PRESENT USE VACANT
PROPOSED USE SERVICE INDUSTRY
OTHER COMMENTS THE APPLICATION FOR RE-ZONING WILL SERVE AS THE FIRST STEP IN REDEVELOPMENT OF THE PROPERTY.

SEE THE REVERSE OF THIS PAGE FOR ADDITIONAL INFORMATION TO BE INCLUDED WITH AN APPLICATION FOR ZONING AMENDMENT.

I UNDERSTAND THAT APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE APPROVAL FOR ANY ADMINISTRATIVE REVIEW, CONDITIONAL USE PERMIT, VARIANCE, OR EXCEPTION FROM ANY OTHER CITY REGULATIONS WHICH ARE NOT SPECIFICALLY THE SUBJECT OF THIS APPLICATION. I UNDERSTAND THAT APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE APPROVAL OF A BUILDING OCCUPANCY PERMIT. I UNDERSTAND FURTHER THAT I REMAIN RESPONSIBLE FOR SATISFYING REQUIREMENTS OF ANY PRIVATE RESTRICTIONS OR COVENANTS APPURTENANT TO THE PROPERTY.

I CERTIFY THAT I AM THE APPLICANT AND THAT THE INFORMATION SUBMITTED WITH THIS APPLICATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT THE CITY IS NOT RESPONSIBLE FOR INACCURACIES IN INFORMATION PRESENTED, AND THAT INACCURACIES MAY RESULT IN THE REVOCATION OF THIS ZONING CERTIFICATE AS DETERMINED BY THE CITY. I FURTHER CERTIFY THAT I AM THE OWNER OR PURCHASER (OR OPTION HOLDER) OF THE PROPERTY INVOLVED IN THIS APPLICATION, OR THE LESSEE OR AGENT FULLY AUTHORIZED BY THE OWNER TO MAKE THIS SUBMISSION.

I CERTIFY THAT STATEMENTS MADE TO ME ABOUT THE TIME IT TAKES TO REVIEW AND PROCESS THIS APPLICATION ARE GENERAL. I AM AWARE THAT THE CITY HAS ATTEMPTED TO REQUEST EVERYTHING NECESSARY FOR AN ACCURATE AND COMPLETE REVIEW OF MY PROPOSAL; HOWEVER, AFTER MY APPLICATION HAS BEEN SUBMITTED AND REVIEWED BY CITY STAFF, I UNDERSTAND IT MAY BE NECESSARY FOR THE CITY TO REQUEST ADDITIONAL INFORMATION AND CLARIFICATION.

I HEREBY CERTIFY, UNDER PENALTY OF PERJURY, THAT ALL THE INFORMATION PROVIDED ON THIS APPLICATION IS TRUE AND CORRECT.

APPLICANT SIGNATURE J Foster DATE 5 / 21 / 24

OFFICE USE ONLY	
<p>WAVED <i>of</i></p> <p>APPLICATION FEE \$ <u>0</u></p>	<p>PAYMENT TYPE CASH <input type="checkbox"/> CHECK <input type="checkbox"/> #</p> <p>MEETING DATE <u>6 / 20 / 24</u></p> <p>MEETING DATE <u>6 / 24 / 24</u></p>
<p>PLANNING BOARD</p> <p>CITY COUNCIL</p>	<p>REVIEW AUTHORITY ADMINISTRATIVE, PLANNING BOARD, CITY COUNCIL</p> <p>APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/></p> <p>APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/></p>



Greene County PAS

Geographic Information Management System

GREENE COUNTY OHIO



Greene County Legend

	Interstate Highway		Parcel Number
	US Highway		Parcel Number
	State Route		Schools
	Local Roads		Parks
	Parcel Boundary		Cemetery
	Corporation Boundary		Shopping
	Topography		Buildings
	Hydrography		Hydrography

1 inch = 40 feet

DISCLAIMER:
 The data and maps provided herein may not be construed as a legal document or legal representation. Any person or entity who relies on this data does so solely at their own risk. The data provided was prepared by Greene County in accordance with Section 9713.09 of the Ohio Revised Code. Neither Greene County, Ohio nor its employees or officers warrant the accuracy, reliability, or completeness of any of the data provided herein. This data is provided "as is" without warranty of any kind, and assumes no legal responsibility for the information it contains.

Spatial Reference
 NAD 1983 HARP StatePlane Ohio South FIPS 3402 Feet
 Data: GCS North American 1983 HARP
 Projection: Lambert Conformal Conic
 Central Meridian: -82.500000
 Longitude of Origin: 38.000000
 Latitude of Origin: 0.000000
 False Easting: 1,968,500.000000
 False Northing: 0.000000
 Central Parallel: 0.000000
 Standard Parallel 2: 38.733333
 Standard Parallel 1: 40.033333
 Authority: GCS: NAD 1983
 Map Units: Feet US

Created On: 5/21



To: Planning Board
 From: Jason Foster, Community Development Administrator
 Date: May 30, 2024
 Subject: Staff Report for 2024-PB-01

Summary of the Request

The applicant, The City of Bellbrook, is proposing the property located at 12 W. Franklin Street to be re-zoned from its current B-4, Central Business District zoning district to PD-4, Planned Mixed Use Development.

The building is City-owned and was formerly used as the City’s sign shop. The building has been vacated in preparation for future redevelopment.

The PD-4, Planned Mixed Use Development zoning district is desirable because it, like all Planned Districts, allows Planning Board to make recommendations on any plan proposed to the City and City Council to ultimately approve any plan and use for the building.

Applicant Information

City of Bellbrook

Current Zoning District

B-4, Central Business District

Parcel Identification

L35000100020004200

Additional Actions or Next Steps to be taken by the City

Staff will take the recommendation of Planning Board to City Council for introduction and public hearing.

Applicant’s Reason for the Request

Development of the property
Surrounding Land Use within 1,000 Feet
Business and Residential
Previous Related Development Decisions in the Immediate Area (3-5 Years)
N/A
Comprehensive Plan Applied to the Geographical Area
The Comprehensive Plan asks for the development and redevelopment of properties within Downtown to more desired uses and aesthetics.
Existing Public Utilities
All utilities are at the site
Soil Survey Data
N/A
Classification of Streets, Traffic Volumes & Direction, Planned Improvements
N/A
Flood Plain Information
The property is not within the flood plain.
Comments from City and County Agencies
N/A
Supporting Maps & Graphics
Attached to the packet.
Staff Recommendation
Staff recommends a positive recommendation to City Council.



The Bellbrook Planning Board

will conduct a Public Hearing

on June 20, 2024 at 6:00 PM

in the City Council Chambers (2nd Floor)

15 East Franklin Street, Bellbrook, Ohio 45305

Planning Board Case PB 24-01: 12 W Franklin Street (City of Bellbrook)

The Bellbrook Planning Board will hold a public hearing on a re-zoning request for 12 W Franklin Street. The request to re-zone from B-4, Central Business District to PD-4, Planned Mixed Use, in accordance with Article 17.05 (D)(1) of the Bellbrook Zoning Code.

If you have questions, please contact The City of Bellbrook Community Development Department at (937)310-3235 or jfoster@cityofbellbrook.org

This publication was mailed May 31, 2024

File Attachments for Item:

A. Ordinance 2024-O-11 REPEALING CHAPTER 440 "COMMERCIAL AND HEAVY VEHICLES" OF TITLE SIX "VEHICLES AND OPERATION" OF PART FOUR "TRAFFIC CODE" OF THE BELLBROOK MUNICIPAL CODE IN ITS ENTIRETY AND ENACTING A NEW CHAPTER 440 "COMMERCIAL AND HEAVY VEHICLES" OF TITLE SIX "VEHICLES AND OPERATION" OF PART FOUR "TRAFFIC CODE" OF THE BELLBROOK MUNICIPAL CODE (Greenwood)

RECORD OF ORDINANCES

Item A. Section 9, Item

Ordinance No. 2024-O-11

July 22, 2024

City of Bellbrook State of Ohio

Ordinance No. 2024-O-11

REPEALING CHAPTER 440 “COMMERCIAL AND HEAVY VEHICLES” OF TITLE SIX “VEHICLES AND OPERATION” OF PART FOUR “TRAFFIC CODE” OF THE BELLBROOK MUNICIPAL CODE IN ITS ENTIRETY AND ENACTING A NEW CHAPTER 440 “COMMERCIAL AND HEAVY VEHICLES” OF TITLE SIX “VEHICLES AND OPERATION” OF PART FOUR “TRAFFIC CODE” OF THE BELLBROOK MUNICIPAL CODE

WHEREAS, Article XVIII, Section 3 of the Constitution of the State of Ohio grants municipalities the authority to exercise all powers of local self-government and to enact and enforce local police, sanitary, and other similar regulations that are not in conflict with the general laws; and

WHEREAS, the City of Bellbrook previously adopted Chapter 440 “Commercial and Heavy Vehicles” and incorporated it into the Bellbrook Municipal Code; and

WHEREAS, City Council wishes to repeal Chapter 440 “Commercial and Heavy Vehicles” of Title Six “Vehicles and Operation” of Part Four “Traffic Code” of the Bellbrook Municipal Code in its entirety and enact a new Chapter 440 “Commercial and Heavy Vehicles” of Title Six “Vehicles and Operation” of Part Four “Traffic Code” of the Bellbrook Municipal Code.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY ORDAINS:

Section 1. The old Chapter 440 “Commercial and Heavy Vehicles” of Title Six “Vehicles and Operation” of Part Four “Traffic Code” of the Bellbrook Municipal Code is hereby repealed in its entirety.

Section 2. A new Chapter 440 “Commercial and Heavy Vehicles” of Title Six “Vehicles and Operation” of Part Four “Traffic Code” of the Bellbrook Municipal Code is hereby enacted, as set forth in Exhibit A, which is attached hereto and incorporated herein by reference, with deletions shown by ~~strike through~~ and additions shown by **bold** and underscored.

Section 3. 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.

RECORD OF ORDINANCES

Item A. Section 9, Item

Ordinance No. 2024-O-11

July 22, 2024

AUTHENTICATION:

Michael W. Schweller, Mayor

Robert Schommer, Clerk of Council

APPROVED AS TO FORM:

Stephen McHugh, Municipal Attorney

CHAPTER 440. COMMERCIAL AND HEAVY VEHICLES

Sec. 440.01 Load limits.

- (a) *Local thoroughfares.* No person shall drive or operate any vehicle used for the transportation of goods or property, the gross weight of which, with load, exceeds five tons, upon the street, highways, bridges and culverts of the Municipality, except on designated and marked truck routes or on state routes. Drivers of such vehicles whose gross weight, with load, exceeds weight limits prescribed by this subsection may deliver or pick up goods or property at places not located on state or truck routes provided such vehicles are only operated by the shortest way possible between the state or truck route and the place of delivery or pick up or as otherwise directed by a police officer.
- (b) *Special permits.* The Chief of Police may, upon application in writing and for good cause shown, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination or vehicles of a size or weight of vehicle or load exceeding the maximum specified in ORC 5577.05, upon any street or other public place. Any such permit may be issued for a single or round trip or, in special instances, for a certain period of time. The Chief may issue or withhold a permit or, if a permit is issued, may limit or prescribe conditions of operation for a vehicle and require a bond or other security necessary to compensate for any damage to a roadway or road structure. Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or other lawful authority. No person shall violate any of the terms of a permit.

(Ord. 71-4, passed 4-12-71; Ord. No. 2016-2 , § 13, 3-14-2016; Ord. No. 2017-2 , § 2, 3-27-2017)

Secs. 440.02—440.05. Reserved.

Editor's note(s)—Ord. No. 2016-2 , § 14, adopted March 14, 2016, repealed §§ 440.02—440.05 which pertained to: maximum width, height and length; wheel protectors; vehicles transporting explosives; towing requirements; exception to size and weight restrictions; respectively; and derived from the 1985 Codified Ordinances.

Sec. 440.06 Loads dropping or leaking; tracking mud; removal required.

- (a) No person shall operate any vehicle so as to track mud on any public way or place.
- (b) It shall be the duty of the driver of a vehicle who unlawfully drops or deposits mud or permits the load or any portion thereof to be dropped or deposited upon any public way or place to immediately remove the same or cause it to be removed.

(Ord. No. 2016-2 , § 13, 3-14-2016)

Sec. 440.07, 440.08. Reserved.

Editor's note(s)—Ord. No. 2016-2 , § 14, adopted March 14, 2016, repealed §§ 440.07, 440.08 which pertained to: vehicles with spikes, lugs and chains; occupying travel trailer or manufactured home while in motion; respectively; and derived from the 1985 Codified Ordinances.

Sec. 440.09. Route and load information.

Drivers of vehicles described in this chapter are required, upon request by a police officer, to give full and true information as to the route they are following and the name of the consignor and consignee and place of delivery or removal and the location of any consignment being hauled or goods being removed, and upon a designation by such police officer of a route to be followed, shall immediately adopt and pursue such route.

Sec. 440.10. Shifting load; loose loads.

- (a) In addition to any other lawful requirements of load distribution, no person shall operate any vehicle upon a street or highway unless such vehicle is so laden as to prevent its contents from shifting or otherwise unbalancing the vehicle to such an extent as to interfere with the safe operation of the same.
- (b) No motor vehicle or trailer shall be driven unless the tailboard or tailgate, tarpaulins, chains (except ground or contact chains), ropes, stakes, poles, and the like, or any part of the load, are securely fastened to prevent dangling, flapping, swinging or falling from the side, end or top of the load or body. All projecting cargo shall be properly guarded by a red flag or cloth or a red light or lantern as required by ORC 4513.09, or any substantially equivalent municipal ordinance.

Sec. 440.11. Reserved.

Editor's note(s)—Ord. No. 2016-2 , § 14, adopted March 14, 2016, repealed § 440.11, which pertained to weighing vehicle, removal of excess load and derived from the 1985 Codified Ordinances.

Sec. 440.12. Truck routes.

- (a) *Use by commercial trucks required; exceptions.* Commercial trucks in the City shall be operated only over and along the truck routes established in this section and on other streets over which commercial truck travel is permitted, except as follows:
 - (1) *Operation on street of destination.* The operation of commercial trucks upon any street of origin, or where necessary to conduct business at a destination point, provided truck routes are used to or from the nearest intersection to the point of origin or destination, is permitted.
 - (2) *Emergency and public safety vehicles.* The operation of emergency and public safety vehicles upon any street in the City is permitted.

- (3) *Public utilities.* The operation of commercial trucks owned or operated by the City, any public utility or any contractor or materialman, while engaged in the repair, maintenance or construction of streets, street improvements or street utilities in the City, is permitted.
- (4) *Detoured trucks.* The operation of commercial trucks upon any officially established street established as a detour is permitted.
- (b) *Establishment of routes.* There are hereby established in the City the following truck routes:
- (1) East and West Franklin Street (State Route No. 725);
 - ~~(2) South Main Street;~~
 - ~~(3) North Main Street; and~~
 - (4) Wilmington Pike.
- (c) *Truck Traffic in the City.*
- (1) *Outside origin; outside destination.* All commercial trucks entering the City from points outside the City and proceeding directly to a destination point outside the City shall operate only over designated truck routes.
 - (2) *Outside origin; inside destination.*
 - A. *One inside destination point.* All commercial trucks entering the City for a destination point in the City shall proceed only over an established truck route and shall deviate only at the intersection nearest such destination point. Upon leaving such destination point, a deviating commercial truck shall return to the truck route by the shortest permissible route.
 - B. *Multiple inside destination points.* All commercial trucks entering the City for multiple destination points shall proceed only over established truck routes and shall deviate only at the intersection nearest to the first destination point. Upon leaving such destination point, a deviating commercial truck shall proceed to other destination points by the shortest and most direct course. Upon leaving the last destination point, a deviating commercial truck shall return to a truck route by the shortest permissible route.
 - (3) *Inside origin.*
 - (1) *Outside destination point.* All commercial trucks, on a trip originating in the City and traveling through the City to a destination point outside the City, shall proceed by the shortest and most direct course over streets to a truck route as established in this section.
 - (2) *Inside destination point.* All commercial trucks, on a trip originating in the City and traveling within the City to a destination point in the City, shall proceed only by the shortest and most direct course.
- (d) *Signs.* The Police Chief shall cause all truck routes to be clearly posted to give notice that this section is in effect.
- (e) *Compliance required.* No person shall drive a commercial truck over any public street in the City, except upon those streets herein designated as truck routes and except upon streets

providing the shortest and most direct course between truck routes and origin or designation points, as herein provided.

- (f) *Penalty.* Whoever violates or fails to comply with any of the provisions of this section is guilty of a minor misdemeanor. The penalty shall be as provided in [Section 408.01].

(Ord. 83-5, passed 3-14-83)

Sec. 440.13. Reserved.

Editor's note(s)—Ord. No. 2016-2 , § 14, adopted March 14, 2016, repealed § 440.13, which pertained to chauffeured limousines and derived from the 1985 Codified Ordinances.

Sec. 440.14. No Through Trucks.

No person shall drive or operate any through commercial truck(s) having a Gross Vehicle Weight (GVW) of twenty thousand (20,000) pounds or more upon North Main Street and South Main Street within the Municipality, or other local streets not designated as a Truck Route in this section which streets shall be posted in accordance with Ohio R.C. 4511.07 and Section 406.04 of the Municipality Traffic Code.

For the purpose of this Section, a "through truck" shall mean any truck having established points of departure and destination neither of which are within the said area.

Sec. 440.99. Reserved.

Editor's note(s)—Ord. No. 2016-2 , § 14, adopted March 14, 2016, repealed § 440.99, which pertained to penalty, and derived from the 1985 Codified Ordinances.

File Attachments for Item:

A. Resolution 2024-R-18 AUTHORIZING A CHANGE ORDER TO THE MAIN AND FRANKLIN IMPROVEMENTS PROJECT AND INCREASING THE SPENDING LIMIT TO OUTDOOR ENTERPRISE TO PERFORM ADDITIONAL CONSTRUCTION WORK (Cyphers)

RECORD OF RESOLUTIONS

Item A. Section 10, Item

Resolution No. 2024-R-18

July 8, 2024

City of Bellbrook State of Ohio

Resolution No. 2024-R-18

AUTHORIZING A CHANGE ORDER TO THE MAIN AND FRANKLIN IMPROVEMENTS PROJECT AND INCREASING THE SPENDING LIMIT TO OUTDOOR ENTERPRISE TO PERFORM ADDITIONAL CONSTRUCTION WORK

WHEREAS, Outdoor Enterprise was selected as the general contractor for the Main and Franklin Improvements Project and has signed a general services agreement; and

WHEREAS, during the project it was discovered desired improvements to the sidewalk intersection approaches could be made to improve the safety and accessibility of pedestrian crossings at Main and Franklin streets; and

WHEREAS, constructing these improvements while other excavation and improvements are being made is more cost effective; and

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY RESOLVES:

Section 1. The City Manager is authorized to execute a change order for improvements to sidewalk intersection approaches and the contract not to exceed cost is hereby authorized for an increase of \$15,000 for a new total of \$1,022,000

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.

AUTHENTICATION:

Michael W. Schweller, Mayor

Robert Schommer, Clerk of Council