



# CITY COUNCIL REGULAR MEETING AGENDA

## Monday, February 12, 2024 at 7:00 PM

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

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1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF THE MINUTES**
  - A. Approval of the January 22, 2024 Regular Meeting Minutes.
5. **MAYOR'S ANNOUNCEMENTS AND SPECIAL GUEST**
  - A. Mr. Gregg Sparks of the Bellbrook Lions Club will present information on upcoming community projects and events hosted by the Lions Club.
6. **CITIZEN COMMENTS**
7. **CITIZENS REGISTERED TO SPEAK ON AGENDA ITEMS**
8. **PUBLIC HEARING OF PROPOSED ORDINANCES**
9. **INTRODUCTIONS OF ORDINANCES**
  - A. 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
10. **ADOPTION OF RESOLUTIONS**
  - A. Resolution 2024-R-05 AUTHORIZING THE PURCHASE OF WATER METERS FROM BUCKEYE STATE PIPE & SUPPLY CO., INC. (Greenwood)
  - B. Resolution 2024-R-06 ESTABLISHING THE RULES OF COUNCIL FOR THE ORDER OF BUSINESS AND CREATING GUIDELINES FOR CITIZEN PARTICIPATION DURING MEETINGS (Schweller)
  - C. Resolution 2024-R-07 TO REFORM CITIZEN ENGAGEMENT AND INCREASE EFFICACY THROUGH ESTABLISHING A PUBLIC PARTICIPATION POLICY (Schweller)
  - D. Resolution 2024-R-08 APPROVING INDIVIDUAL ASSESSMENT AMOUNTS AND DIRECTING THE CITY MANAGER TO CERTIFY THE AMOUNTS TO THE GREENE COUNTY AUDITOR TO ENTER THE DELINQUENT AMOUNTS ON THE TAX DUPLICATE FOR CERTAIN PROPERTIES (Havens)
  - E. Resolution 2024-R-09 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE BELLBROOK-SUGAR MAPLE FESTIVAL COMMITTEE, INC FOR THE 2024 SUGAR MAPLE FESTIVAL (Harding)
11. **OLD BUSINESS**
  - A. Continued discussion on 2024 Council Priorities and Goals
12. **NEW BUSINESS**
  - A. Selection of Deputy Mayor
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 January 22, 2024 Regular Meeting Minutes.

# RECORD OF PROCEEDINGS

Bellbrook City Council Meeting

January 22, 2024

Item A. Section 4, Item

## **CALL TO ORDER:**

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

## **PLEDGE OF ALLEGIANCE:**

Deputy Mayor Greenwood led the Council in the Pledge of Allegiance.

## **PRESENT**

Mr. Logan Ashley

Mr. Forrest Greenwood

Mr. Brady Harding

Mr. Ernie Havens

Mr. T.J. Hoke

## **ABSENT**

Mrs. Katherine Cyphers

Mayor Mike Schweller

Motion to excuse the absence of Mayor Schweller.

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

Voting Yea: Mr. Ashley, Mr. Greenwood, Mr. Harding, Mr. Havens, Mr. Hoke

Motion to excuse the absence of Mrs. Cyphers.

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

Voting Yea: Mr. Ashley, Mr. Greenwood, Mr. Harding, Mr. Havens, Mr. Hoke

## **APPROVAL OF THE MINUTES**

Deputy Mayor Greenwood asked if anyone had comments or corrections to the minutes of the January 8, 2024, meeting. Hearing none, the minutes were declared to be approved.

## **MAYOR'S ANNOUNCEMENTS AND SPECIAL GUEST**

## **CITIZEN COMMENTS**

David Buccalo made comments about public comments at Council meetings. He noted there have been recent settlements from other cities due to citizens being violated at public meetings. He offered a copy of a booklet and paper stating the constitutionality of the First Amendment. He also commented on tree trimming done by AES through Fitzwater Tress Services, noting the City should consider regulating the utility company and contractors activity.

## **CITIZENS REGISTERED TO SPEAK ON AGENDA ITEMS**

# RECORD OF PROCEEDINGS

Bellbrook City Council Meeting

January 22, 2024

Item A. Section 4, Item

## **PUBLIC HEARING OF PROPOSED ORDINANCES**

### **INTRODUCTIONS OF ORDINANCES**

Ordinance 2024-O-1 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. (Ashley)

Mr. Ashley read the Ordinance.

Mr. Schommer explained the need for the supplemental appropriation was due to overtime for the service department charged to the water fund not being included in the original appropriation. The amount of funds for estimated overtime costs has not changed, it was simply not included in the allocation between funds as service overtime is split between the street fund and water fund.

Motion to Adopt Ordinance 2024-O-1 at Introduction.

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

Voting Yea: Mr. Ashley, Mr. Greenwood, Mr. Harding, Mr. Havens, Mr. Hoke

### **ADOPTION OF RESOLUTIONS**

Resolution 2024-R-02 AUTHORIZING AND RATIFYING TRANSFERS WITHIN VARIOUS FUNDS OF THE CITY OF BELLBROOK (Havens)

Mr. Havens read the Resolution.

Mr. Schommer noted the resolution authenticates the annual transfer of funds from the General Fund to the Police Fund to cover the cost of public safety operations. He noted the Police fund cannot support all of the cost of the operations and requires the subsidy. He noted the fund will be at or near zero balance at the end of this fiscal year. In addition, the transfer allows for movement of funds from the Capital portion of the General Fund back to Administrative as the fire command vehicle will be purchased through a lease, thus reducing the initial outlay. Both amounts are included in the original budget and does not change the amount of appropriations.

Motion to Adopt Resolution 2024-R-02.

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

Voting Yea: Mr. Ashley, Mr. Greenwood, Mr. Harding, Mr. Havens, Mr. Hoke

Resolution 2024-R-03 AUTHORIZING THE PURCHASE OF A UTILITY VEHICLE AND ACCESSORIES FROM BANE-WELKER EQUIPMENT (Hoke)

Mr. Hoke read the Resolution.

# RECORD OF PROCEEDINGS

Bellbrook City Council Meeting

January 22, 2024

Item A. Section 4, Item

Mr. Schommer noted the resolution authorizes the purchase of a new Kubota utility vehicle that is used year-round by the service department. The current vehicle has been experiencing significant maintenance and repair issues causing a lot of down time. The vehicle is used for access to small areas as well as maintenance of landscape and hardscape in the summer and plowing of paths and alleys in the winter. He noted this purchase is part of the approved CIP and the funds are currently budgeted.

Motion to Adopt Resolution 2024-R-03.

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

Voting Yea: Mr. Ashley, Mr. Greenwood, Mr. Harding, Mr. Havens, Mr. Hoke

Resolution 2024-R-04 DECLARING CERTAIN CITY OWNED PROPERTY NO LONGER REQUIRED FOR MUNICIPAL PURPOSES AS SURPLUS AND AUTHORIZING DISPOSAL OF SAID PROPERTY (Harding)

Mr. Harding read the Resolution.

Mr. Schommer explained the need to surplus the existing Kubota utility vehicle in order to trade it in for the purchase of a new one. He added Mr. Pasley researched current sales and values of similar units on the government public auction and the vendor for purchase of a new one is offering a higher price for the trade in.

Motion to Adopt Resolution 2024-R-04.

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

Voting Yea: Mr. Ashley, Mr. Greenwood, Mr. Harding, Mr. Havens, Mr. Hoke

## **OLD BUSINESS**

Continued discussion and update on 2024 Council Priorities and Goals

## **NEW BUSINESS**

## **CITY MANAGER'S REPORT**

Mr. Schommer provided details on the gas line replacement downtown and the upcoming Franklin and Main improvements project.

## **COMMITTEE REPORTS**

### **SAFETY COMMITTEE**

Mr. Hoke provided updates from the Police Department on a few points.

- Search for candidates to fill two full time police officer positions is ongoing.
- Flock camera contract has been signed and installation will be soon
- Active shooter training in July for officer to include fire department.
- LEADS audit will be conducted in the coming week

# RECORD OF PROCEEDINGS

Bellbrook City Council Meeting

January 22, 2024

Item A. Section 4, Item

## SERVICE COMMITTEE

Mr. Greenwood suggested residents watch for severe weather (snow, ice, etc.) and to remember to move cars off streets for plowing and salting.

## FINANCE/AUDIT COMMITTEE

No report

## COMMUNITY AFFAIRS COMMITTEE

Mr. Havens provided updates on upcoming community events for residents.

-Lion's Club Pancake Breakfast on Feb 24

-Casino Night hosted by the Chamber of Commerce

-Middle School Play (Mad House) Feb 29, 2024- March 2, 2024

Mr. Havens also provided an update on a recent review to recommend appointment of Elaine Middlestetter to the Historical Museum Board of Trustees.

Motion to appoint Elaine Middlestetter to the Historical Museum Board of Trustees

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

Voting Yea: Mr. Ashley, Mr. Greenwood, Mr. Harding, Mr. Havens, Mr. Hoke

## CITY OFFICIAL COMMENTS

Mr. Logan Ashley- thanked Bellbrook PD for their hard work and dedication.

Mr. Ernie Havens- thanked the Planning Board for a great meeting.

Mr. T.J. Hoke- Mentioned the grant for the Spring Valley to Bellbrook bike path connector will be attempted again in the future.

Mr. Forrest Greenwood- Thanked Blueberry Café for their business in Bellbrook

## EXECUTIVE SESSION

## ADJOURNMENT

Hearing no further business coming before the Council, Deputy Mayor Greenwood declared the meeting adjourned at 7:56 pm

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Forrest Greenwood, Deputy Mayor

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Robert Schommer, Clerk of Council

**File Attachments for Item:**

A. 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



## AGENDA ITEM INFORMATION REPORT

**Meeting Type:** City Council Meeting

**Meeting Date:** 2/12/2024

**Department:** Finance

**Submitted By:** Rob Schommer

### **AGENDA ITEM DESCRIPTION:**

#### Ordinance

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

### **FISCAL IMPACT:**

**Cost:** \$4,000      **Source of Funds:** General Fund

**Funds Currently Budgeted:** No

**Notes/Implications:** Due to low funds in the Police Fund, an additional subsidy/transfer will be required

### **PURPOSE AND BACKGROUND:**

Officer Stephanie Bennington has requested a pay out 80 hours of her accumulated compensatory time currently on the books. The payout will be at the regular rate and will include required fringe costs. In accordance to Section 17.3 of the Police Officers Collective Bargaining Agreement, employees may cash out up to 80 hours each calendar year.

These potential cash-outs are not assumed or initially budgeted in order to reduce the tie-up of the City's cash funds.

# RECORD OF ORDINANCES

Item A. Section 9, Item

Ordinance No. 2024-O-2

February 12, 2024

## City of Bellbrook

### Ordinance No. 2024-O-2

#### **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.**

WHEREAS, the City of Bellbrook adopted the 2024 annual budget based on the best information available at the time; and

WHEREAS, additional costs and/or adjustments are required for various 2024 Personnel Services and Other Expenses which requires the amendment of various appropriation levels.

#### **Now, Therefore, the City of Bellbrook Hereby Ordains:**

Section 1. That to provide for the required expenses and other expenditures of the City of Bellbrook during the fiscal year ending December 31, 2024, the appropriation levels are amended as set forth in Exhibit A attached hereto and incorporated herein by reference and hereby set aside to be appropriated.

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 12<sup>th</sup> day of February, 2024.

\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

#### AUTHENTICATION:

\_\_\_\_\_  
Forrest Greenwood, Deputy Mayor

\_\_\_\_\_  
Robert Schommer, Clerk of Council

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

#### **EXHIBIT A**

Fund	2023 Current Appropriations	Personnel Revisions	Other Expenses Revisions	Total Revisions	Amended 2023 Appropriations
<b>100 General Fund</b>	\$1,371,519				\$1,371,519
<i>11 Legislative</i>	\$43,088				\$43,088
<i>12 Administrative</i>	\$770,112				\$770,112

# RECORD OF ORDINANCES

*Item A. Section 9, Item*

Ordinance No. 2024-O-2

February 12, 2024

<i>13 Library</i>	\$3,000				\$3,000
<i>14 Museum</i>	\$31,132				\$31,132
<i>15 Community Environment</i>	\$78,387				\$78,387
<i>30 Capital Outlay</i>	\$505,800				\$505,800
<b>201 Local Fiscal Recovery Fund</b>	\$436,000				\$436,000
<b>202 OneOhio Opioid Settlement Fund</b>	\$12,398				\$12,398
<b>210 Street Fund</b>	\$458,215				\$458,215
<b>220 State Highway Fund</b>	\$53,000				\$53,000
<b>230 Police Fund</b>	\$2,200,766	<b>\$4,000</b>		<b>\$4,000</b>	<b>\$2,204,766</b>
<b>240 Fuel System Fund</b>	\$1,550				\$1,550
<b>250 Fire Fund</b>	\$1,564,755				\$1,564,755
<b>270 Police Pension Fund</b>	\$89,590				\$89,590
<b>280 Motor Vehicle License Fund</b>	\$255,100				\$255,100
<b>610 Waste Collection Fund</b>	\$622,867				\$622,867
<b>620 Water Fund</b>	\$1,605,097				\$1,605,097
<b>800 Performance Bond Fund</b>	\$10,000				\$10,000
<b>Total All Funds</b>	<b>\$9,120,857</b>				<b>\$9,124,857</b>

**File Attachments for Item:**

A. Resolution 2024-R-05 AUTHORIZING THE PURCHASE OF WATER METERS FROM BUCKEYE STATE PIPE & SUPPLY CO., INC. (Greenwood)



## AGENDA ITEM INFORMATION REPORT

**Meeting Type:** City Council Meeting

**Meeting Date:** 2/12/2024

**Department:** Service

**Submitted By:** Rob Schommer

### **AGENDA ITEM DESCRIPTION:**

Resolution

AUTHORIZING THE PURCHASE OF WATER METERS FROM BUCKEYE STATE PIPE & SUPPLY CO., INC.

### **FISCAL IMPACT:**

**Cost:** \$32,000      **Source of Funds:** Water Fund

**Funds Currently Budgeted:** Yes

**Notes/Implications:** N/A

### **PURPOSE AND BACKGROUND:**

Each year the City purchases water meters for both maintenance/replacement and additional water accounts. The quote costs out 145 meters; however, there is only a current need for 100.

# RECORD OF RESOLUTIONS

Item A. Section 10, Item

Resolution No. 2024-R-05

February 12, 2024

## City of Bellbrook

### Resolution No. 2024-R-05

#### **AUTHORIZING THE PURCHASE OF WATER METERS FROM BUCKEYE STATE PIPE & SUPPLY CO., INC.**

WHEREAS, this Council has determined providing high quality water service to current and expanding customers is of high importance and in the best interest of the City; and

WHEREAS, the ability to replace and or install new water meters is essential for the maintenance and expansion of the City of Bellbrook water delivery system and has been planned and budgeted for in the 2024 CIP and annual budget; and

WHEREAS, Buckeye State Pipe & Supply Co., Inc. provides a proprietary product associated with current software and hardware within the City of Bellbrook water delivery system making them a sole source vendor; and

WHEREAS, having an inventory of water meters in anticipation of replacement and expansion is critical to keep continuous service for the water customers.

#### **NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY RESOLVES:**

Section 1. The City Manager is authorized to take all actions necessary to purchase water meters from Buckeye State Pipe & Supply Co., Inc. at a cost not to exceed \$32,000.

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 12<sup>th</sup> day of February, 2024.

\_\_\_\_ Yeas; \_\_\_\_ Nays.

AUTHENTICATION:

\_\_\_\_\_  
Michael W. Schweller, Mayor

\_\_\_\_\_  
Robert Schommer, Clerk of Council

# Buckeye State Pipe & Supply Co., Inc.

14680 Pleasant Valley Road  
Chillicothe, OH 45601

Voice: 740-772-5400  
Fax: 740-772-5402

# QUOTATION

Item A. Section 10, Item

Quote Number: 42815  
Quote Date: Dec 21, 2023  
Page: 1

Quoted To:
CITY OF BELLBROOK 29 NORTH WEST STREET BELLBROOK, OH 45305 USA

Ship To:
CITY OF BELLBROOK 29 NORTH WEST STREET BELLBROOK, OH 45305 USA

Customer ID	Good Thru	Payment Terms	Sales Rep
BE121M	1/20/24	Net 30 Days	Mark A. Graves

Quantity	Item	Description	Unit Price	Amount
145.00	MET-HRE-	5/8" X 3/4" M25 BRONZE WATER METER "HRE" (8 DIAL, 0.1 GALLON) 10' TWIST TIGHT CONNECTOR - CAST IRON BOTTOM PLATE - SLOTTED SCREW- S/N ON LID	168.30	24,403.50
145.00	MET-ORUI	BADGER ORION "ME" ENCODER TRANSMITTER-THRU LID KIT -8" TWIST TIGHT LEAD WIRE-FREQUENCY HOPPING-DATA PROFILING	133.42	19,345.90

Subtotal	43,749.40
Sales Tax	
<b>TOTAL</b>	<b>43,749.40</b>

THIS QUOTATION IS OUR INTERPRETATION OF THE PLANS AND SPECIFICATIONS AND IS NOT GUARANTEED. WE ARE NOT RESPONSIBLE FOR DELAYS BY REASON OF STRIKES, ACCIDENTS, OR CAUSES BEYOND OUR CONTROL. THE QUOTED PRICES ARE BASED UPON RECEIPT OF THE TOTAL JOB QUANTITY; ARE FOR IMMEDIATE SHIPMENT ONLY; AND ARE SUBJECT TO CREDIT APPROVAL. FUTURE SHIPMENTS ARE SUBJECT TO PRICE IN EFFECT AT TIME OF SHIPMENT. ALL SALES ARE F.O.B. SHIPPING.

**File Attachments for Item:**

B. Resolution 2024-R-06 ESTABLISHING THE RULES OF COUNCIL FOR THE ORDER OF BUSINESS AND CREATING GUIDELINES FOR CITIZEN PARTICIPATION DURING MEETINGS (Schweller)



**AGENDA ITEM INFORMATION REPORT****Meeting Type:** City Council Meeting**Meeting Date:** 2/12/2024**Department:** Legislative**Submitted By:** Rob Schommer**AGENDA ITEM DESCRIPTION:**Resolution

Resolution 2024-R-06 ESTABLISHING THE RULES OF COUNCIL FOR THE ORDER OF BUSINESS AND CREATING GUIDELINES FOR CITIZEN PARTICIPATION DURING MEETINGS

**FISCAL IMPACT:****Cost:** N/A    **Source of Funds:** Choose an item.**Funds Currently Budgeted:** Choose an item.**Notes/Implications:** N/A**PURPOSE AND BACKGROUND:**

This Resolution sets the agenda format for the 2024 Regular Meetings. In addition, there have been recent comments and discussions regarding the decorum of citizen participation at public meetings, as well as the openness and practice of encouraging public participation at meetings. A revised set of guidelines to ensure all meeting participants have a safe and professional opportunity to provide input to the meetings and decision making process is included in the 2024 Rules of Council.

City of Bellbrook  
State of Ohio

Resolution No. 2024-R-06

**ESTABLISHING THE RULES OF COUNCIL FOR THE ORDER OF BUSINESS AND CREATING GUIDELINES FOR CITIZEN PARTICIPATION DURING MEETINGS**

WHEREAS, City Council wishes to establish Rules of Council to provide a more efficient order of business and to allow better citizen participation; and

WHEREAS, Section 220.01 of the Bellbrook Code of Ordinances allows the Rules to be amended, altered, or new rules to be adopted by resolution; and

WHEREAS, the proposed amendments have been reviewed and discussed by all of Council and reviewed by the Law Director

**NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY RESOLVES:**

Section 1. The following shall serve as the standard Order of Business for regular council meetings in 2024:

- 1. CALL TO ORDER
- 2. PLEDGE OF ALLEGIANCE
- 3. ROLL CALL
- 4. APPROVAL OF THE MINUTES
- 5. MAYOR'S ANNOUNCEMENTS AND SPECIAL GUESTS
- 6. CITIZEN COMMENTS
- 7. CITIZENS REGISTERED TO SPEAK ON AGENDA ITEMS
- 8. PUBLIC HEARING OF PROPOSED ORDINANCES
- 9. INTRODUCTION OF ORDINANCES
- 10. ADOPTION OF RESOLUTIONS
- 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
- 17. ADJOURNMENT

RECORD OF RESOLUTIONS

Item B. Section 10, Item

Resolution No. 2024-R-06

February 12, 2024

Section 2. Guidelines for Citizen Participation during meetings as substantially included in Exhibit A are hereby adopted.

Section 3. 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 4. 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

APPROVED AS TO FORM:  
Stephen McHugh, Municipal Attorney



## CITIZEN PARTICIPATION GUIDELINES

In support of and respect for an open, fair, transparent, and informed decision-making process, the Bellbrook City Council recognizes:

### City of Bellbrook

15 East Franklin Street  
Bellbrook, Ohio 45305

T (937) 848-4666

F (937) 848-5190

[www.cityofbellbrook.org](http://www.cityofbellbrook.org)

- Civil, respectful, and courteous behavior are an important part of the democratic and decision-making process.
- Uncivil discourse and/or discourteous and inappropriate behavior have a negative impact on the character and productivity of the decision-making process.
- To preserve the intent of open government and maintain a positive and safe environment for citizen input and Council decision-making, it is the goal of Council to engage public participation and structure public meetings with the following guidelines:
  - All citizens may participate in the public meeting process.
  - If a citizen desires to register a spot for comments on a meeting agenda, they may register to speak prior to the meeting online ([meetings.cityofbellbrook.org](http://meetings.cityofbellbrook.org)) or in person, to the Clerk prior to the start of the meeting. Registering to speak is not required, only an option if desired.
  - Anyone speaking will be recognized by the Mayor or Presiding Officer to be provided the floor for appropriate attention.
  - To make sure other participants of the meeting can see and hear comments, speakers will be asked to provide comments from the podium.
  - The preferred time limit for comments is 5 minutes, although the limit can vary at the discretion of the Mayor or Presiding Officer.
  - If a group wishes to address the City Council on the same subject, it is preferred that a spokesperson be chosen by the group.
  - In order to make sure comments are directed to the right person, remarks should be directed to the City Council as a body rather than to any particular Council member or any member of the staff or audience. Questions to Council or others will be facilitated by the Mayor or Presiding Officer.
  - Safety and comfort of all attendees is a high priority; therefore, comments of a personal nature regarding others, shouting, yelling, or screaming, language that is obscene or disruptive to the orderly process of the meeting, or anything that creates a safety risk may result in law enforcement action.
  - Complaints against any public official or employee during a public meeting will be referred to the proper complaint filing procedure, so the issue is addressed.
  - To make sure all comments are considered, members of the audience should not enter the public meeting discussion from their seats in the audience.
  - The Mayor or Presiding Officer is responsible for maintaining order and decorum of the public meeting and may suspend the meeting for the safety of others.

General guidelines and requests for audience members not speaking at a public meeting:

- Please silence all mobile devices.
- Refrain from behavior that is inappropriate and/or disruptive.
- Refrain from side conversations during meetings.
- Come and go from the meeting space in the least disruptive manner possible.

**File Attachments for Item:**

C. Resolution 2024-R-07 TO REFORM CITIZEN ENGAGEMENT AND INCREASE EFFICACY THROUGH ESTABLISHING A PUBLIC PARTICIPATION POLICY (Schweller)

## AGENDA ITEM INFORMATION REPORT

**Meeting Type:** City Council Meeting

**Meeting Date:** 2/12/2024

**Department:** Legislative

**Submitted By:** Rob Schommer

### **AGENDA ITEM DESCRIPTION:**

#### Resolution

Resolution 2024-R-07 TO REFORM CITIZEN ENGAGEMENT AND INCREASE EFFICACY THROUGH ESTABLISHING A PUBLIC PARTICIPATION POLICY

### **FISCAL IMPACT:**

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

**Funds Currently Budgeted:** Choose an item.

**Notes/Implications:** N/A

### **PURPOSE AND BACKGROUND:**

#### **Background**

As we can all agree, governance in today's times has changed and adapted with the onset of a variety of factors. One of those factors most influential has been increased access to information which has resulted in more interest and desired engagement by the citizens we serve. With the information superhighway adding lanes at a rapid pace, more discussions and ideas are being prompted. The majority of those ideas, discussions, and solutions are being generated not by our governmental processes, but rather by citizenship as public work.

Any organization or profession that wants to maintain the highest efficiency and effectiveness will continually evaluate its policies and processes to measure them against the most modern practices. A local government is no exception, and it seems we are at a time that certain policies and practices are in need of new definition in order to properly conduct our roles in governance.

Many forms of government have held onto traditional and frankly obsolete processes for citizen input. It was thought and believed that these methods met the definition of democracy; however, they are not citizen-centered. It has been common to watch democracy disappear 5 minutes at a time at a variety of public meetings and proceedings all over this country.

#### **Problem**

Most public meetings (including Bellbrook) follow the same traditional practices described above. It is necessary and prudent to have structure and processes in order to stay efficient and get the business of the City conducted. However, the time leading up to those official actions and decisions is where we can modernize our practices for true Public Participation. We shouldn't confuse "input" with

Participation, as they differ greatly. Input is what we sit back and receive, commonly at the point to discuss a potential decision. Participation is involvement in forming the decision from the beginning.

This proposal is not to point out fault in our processes, it is merely to improve upon them. The majority of public meetings require a limitation to the amount of deliberation and discussion; otherwise, items of business needing attended to may not be conducted. Turnout at many meetings is low, and typically includes the same attendees meeting after meeting. However, if there is a controversial topic, the turnout may be high, and the comments and deliberations can last long enough to change the date. Considering either option, the attending members of the public are either absent or angry: either way, this type of public input/participation is not as effective as it could be.

A wide range of opportunities and options exist through the recent and emerging technologies and ideas to create or enhance participatory formats. Legal framework keeps the traditional structure and requirements of some public meetings; however we need to be innovative to prevent processes and old practices from discouraging public officials and city employees from reaching out to citizens. The goal is greater transparency and a citizen-centered democracy. Combining the traditional and legally framed meetings with some innovative engagement efforts for true Public Participation, the traditional meetings can work by creating resolve and efficacy to public debate and discussion on issues.

### **Proposal**

The goal is to begin a transition into true public participation through two main objectives: 1) Defining a Public Participation Policy, and 2) creating a practice of citizen-centered engagement.

Included in this briefing is a proposed/draft Resolution that formalizes a Public Participation Process and concept. In essence, the goal of the Resolution is to show a commitment from the governing body to the process, giving direction to all City operations under the concept, and finally, taking the innovative step to making public participation law!

The next piece, and perhaps the most important, is a concept and practice for citizen-centered engagement. It is proposed this as an entire program following our concept of “Engage Bellbrook”. In the title, the goal is engagement, making sure to keep open sighted and minded and to be guided by the ideas and discussions generated through citizen-centered engagement.

Engage Bellbrook has a core of Me-We-Us thinking, transitioning the participants to focus on how to better the community by seeing how their ideas and input (me) affect the community as a whole (us).

The program starts with redefining our methods of citizen engagement. As detailed earlier, our current public meetings result in low attendance and nearly non-existent participation. The problem is, they are not citizen-centered. The transition involves taking the engagement TO our citizens, within their neighborhoods and places they meet, and create discussions to gather information and participation.

In brief, the program would consist of the following main components:

- Council Member Meetings:
  - When Council members attend events or host a meeting, they contribute if possible to take note of discussions that create ideas and participation for future

decisions. During informal meetings and events, Council Members are there to moderate, not lead or control the conversation... *Citizen-Centered*

- Upon discussion of topics, a core Me-We-Us Thinking concept should be employed, and discussions moderated by questions such as:
  - What values/traditions are important to You?
  - What are the values/traditions of the community?
  - What are the threats to those values?
  - What can WE do in this neighborhood/organization/community to strengthen those values?
- Notes, ideas, quotes, etc. should be taken and mapped into categories to create the ideas.
- Council members should then publicly discuss and present the gathered ideas and discussions from attended meetings and events to identify commonalities and/or ideas or issues that are specific or in conflict.
- Transition of Ideas to Actions
  - A regular review of the idea(s) discussed is conducted in order to determine if the idea should transition into an actionable agenda item. The meeting can provide a constructive discussion that no longer debates the idea but defines actions to implement it.



**City of Bellbrook**

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Again, this in brief describes the core components wherein the Engage Bellbrook enhances engagement to become Citizen-Centered Engagement. Many other defining objectives are being prepared, and additional discussion and participation in the development is needed.

As we continue to transition our methods of governance, we must include enhanced citizen engagement. Administering the business of the City has allowed us to see areas where we need to look at opportunities for improvement, and in keeping with the overwhelming sense that everyone seeks more public participation, there is an opportunity to formalize and help develop a strong method of accomplishing it.



**City of Bellbrook  
State of Ohio**

**Resolution No. 2024-R-07**

**TO REFORM CITIZEN ENGAGEMENT AND INCREASE EFFICACY THROUGH ESTABLISHING A PUBLIC PARTICIPATION POLICY**

WHEREAS, direct and active participation in self-governance is a widely held value in the United States; and

WHEREAS, knowledge and talent are widely dispersed in society, and all benefit when those skills and abilities are directed toward common goals; and

WHEREAS, public participation and collaboration may enhance local government’s effectiveness, expand its range of options, improve the quality of its decisions, and enlist the problem-solving capacities of the general public; and

WHEREAS, public agencies and municipal authorities may collaborate with the general public and state, regional, and local government agencies, nonprofit organizations, businesses, and other nongovernmental stakeholders to accomplish public work and deliver public services more efficiently and effectively; and

WHEREAS, there have been dramatic changes in the techniques of public participation and the technology allowing for greater transparency of government both through broadcast media and the internet.

**NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY RESOLVES:**

Section 1. For all purposes under this Resolution and policy, the phrase “public participation” is defined to include “public engagement,” “community engagement,” “citizen engagement,” “public hearing,” and “public comment” and includes, but is not limited to, any form of in-person, technology-aided, or online communication that provides for discussion, dialogue, or deliberation among participants, allowing residents to engage meaningfully in local problem identification, and/or problem solving related to community challenges, problems, and opportunities. “Policy process” means any action in developing, implementing, or enforcing public policy, including but not limited to identifying and defining a public policy issue, defining the options for a new policy framework, expanding the range of options, identifying approaches for addressing an issue, setting priorities among approaches, selecting from among the priorities, implementing solutions, rulemaking, project management, and assessing the impacts of decisions.

Section 2. It is hereby declared a matter of public policy that the active public participation of community members to offer comments, ideas and recommendations, both individually and collectively, on public challenges, problems and opportunities is a public good and will be pursued in the interest of the health, prosperity, safety, and welfare of the community, and in the pursuit of

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effective and trusted governance. Further, as these ends are best achieved by community members who have the opportunity to become informed and to jointly deliberate on public matters prior to offering their ideas and recommendations, that such deliberative opportunities are to be offered when and where possible, and public input received will be considered in final decision making by the appropriate agency body. The city and its municipal departments may use any process that meets the principles for public participation set forth in section 3 in addition to statutorily required forms of public input such as notice and comment or public hearings for public participation.

**Section 3.** The following Principles for Public Participation are hereby established to govern meaningful and effective public participation:

- a) **Planning Ahead:** Public participation is an early and integral part of challenge and opportunity identification, planning and design, budgeting, and implementation of city policies, programs, and projects.
- b) **Inclusive Design:** The design of a public participation process includes input from appropriate local officials as well as from members of the participant community.
- c) **Authentic Intent:** a primary purpose of the public participation process is to generate public views and ideas to actually help shape local government action or policy.
- d) **Transparency:** Public participation processes are open, honest, and understandable. There is clarity and transparency about public participation process sponsorship, purpose, design, and how decision makers will use the process results.
- e) **Inclusiveness and Equity:** Public participation processes identify, reach out to, and encourage participation of the community in its full diversity. Processes respect a range of values and interests and the knowledge of those involved. Historically excluded individuals and groups are included authentically in processes, activities, and decision and policymaking. Impacts, including costs and benefits, are identified and distributed fairly.
- f) **Informed Participation:** Participants in the process have information and/or access to expertise consistent with the work that sponsors and conveners ask them to do. Members of the public receive the information they need to participate effectively with sufficient time to study.
- g) **Accessible Participation:** Public participation processes are broadly accessible in terms of location, time, and language, and support the engagement of community members with disabilities.
- h) **Appropriate Process:** each public participation process uses one or more engagement formats that are responsive to the needs of identified participant groups and encourage full, authentic, effective and equitable participation consistent with process purposes. Participation processes and techniques are well-designed to appropriately fit the legal authority, scope, character, and impact of a policy or project. Processes adapt to changing conditions as projects move forward.
- i) **Use of Information:** The ideas, preferences, and/or recommendations contributed by community members are documented and given consideration by decision makers. Local

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officials communicate decisions back to process participants and the broader public, with a description of how the public input was considered and used.

- j) **Building Relationships and Community Capacity:** Public participation processes invest in and develop long-term, collaborative working relationships and learning opportunities with community partners and stakeholders. This may include relationships with other temporary or ongoing community participation initiatives.
- k) **Evaluation:** Evaluating the public participation process with the collected feedback, analysis, and learning shared broadly and applied to future public participation efforts for continuous improvement.

Section 4. 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 5. 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

**File Attachments for Item:**

D. Resolution 2024-R-08 APPROVING INDIVIDUAL ASSESSMENT AMOUNTS AND DIRECTING THE CITY MANAGER TO CERTIFY THE AMOUNTS TO THE GREENE COUNTY AUDITOR TO ENTER THE DELINQUENT AMOUNTS ON THE TAX DUPLICATE FOR CERTAIN PROPERTIES (Havens)

## AGENDA ITEM INFORMATION REPORT

**Meeting Type:** City Council Meeting

**Meeting Date:** 2/12/2024

**Department:** Finance

**Submitted By:** Rob Schommer

### **AGENDA ITEM DESCRIPTION:**

#### Resolution

Resolution 2024-R-08 APPROVING INDIVIDUAL ASSESSMENT AMOUNTS AND DIRECTING THE CITY MANAGER TO CERTIFY THE AMOUNTS TO THE GREENE COUNTY AUDITOR TO ENTER THE DELINQUENT AMOUNTS ON THE TAX DUPLICATE FOR CERTAIN PROPERTIES

### **FISCAL IMPACT:**

**Cost:** Click or tap here to enter text.

**Source of Funds:** Choose an item.

**Funds Currently Budgeted:** Choose an item.

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

### **PURPOSE AND BACKGROUND:**

State law allows the City to direct the County Auditor to collect certified assessments and delinquent payments to be entered on the tax duplicate. This Resolution certifies currently uncollected delinquent charges for water utility, mowing, and property maintenance abatements. The next collection date is June 2024

**City of Bellbrook  
State of Ohio**

**Resolution No. 2024-R-08**

**APPROVING INDIVIDUAL ASSESSMENT AMOUNTS AND DIRECTING THE CITY MANAGER TO CERTIFY THE AMOUNTS TO THE GREENE COUNTY AUDITOR TO ENTER THE DELINQUENT AMOUNTS ON THE TAX DUPLICATE FOR CERTAIN PROPERTIES**

WHEREAS, pursuant to Section 6, Article XVIII of the Ohio Constitution the General Assembly has enacted general laws stating purposes for which municipalities may assess specially benefited property; and

WHEREAS, the General Assembly has enacted laws that require a County Auditor to act at the direction, or on behalf, of a municipality with respect to collection of certain costs assessed to properties including but not limited to R.C 743.04, 715.261 and 731.51-54; and

WHEREAS, as a result of the foregoing, the City of Bellbrook has passed, and will in the future pass laws to assess real property for all or part of the cost of a public improvement and/or certain permitted costs of abatement or collection, including but not limited to Ordinance No.2005-2 and 2009-7 codified as Bellbrook Code of Ordinances Section 678.03 (cutting trees, weeds, other vegetation); Ordinance No. 86-14 and 2013-6 codified as Bellbrook Code of Ordinances Section 1042.05 (unpaid water service); and Bellbrook Code of Ordinances Section 660.16 ( abatement of nuisances) and such other ordinances or resolutions that may be passed from time to time pursuant to these codified laws; and

WHEREAS, in order to better track and account for authorized legal assessments and the amounts due to the City, City Council has determined it is in the best interest of the citizens to pass this Ordinance setting forward the applicable properties and assessment amounts to be certified to the County for collection; and

WHEREAS, the assessments set forth in Exhibit A have been authorized by the City Council of the City of Huber Heights and are required by law to be assessed and collected by the County on behalf of the City.

**NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY RESOLVES:**

Section 1. The properties set forth in Exhibit A incorporated herein by reference are to be assessed in the amount also set forth in the applicable section of Exhibit A unless payment is made within the time frame set forth in the applicable section of Exhibit A.

Section 2. In the event a payment for the amount or any portion of the amount set forth in Exhibit A is received by the City prior to final assessment date set forth in Exhibit A, which is the same date set forth in the notice sent to such property owner, the City Manager is authorized to remove or revise such assessment from Exhibit A prior to certification to the County Auditor.

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Resolution No. 2024-R-08

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Section 3. The City Manager is instructed to certify this Resolution, including the final assessed properties in Exhibit A, to the GreeneCounty Auditor for collection.

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

Resolution 2024-R-08

Exhibit A

Item D. Section 10, Item

Project	Parcel ID	Address	Total to Be Assessed	Date of service	Collection Date
Abatement of trash, debris, delapidated shed	L35000100070001800	204 Belair Circle	\$ 3,162.00	9/8/2022	June 2024
Trenching	L35000100070001800	204 Belair Circle	\$ 486.59	5/15/2023	June 2024
Mowing	L35000200080004600	2344 Portage Path	\$ 434.00	5/15/2023	June 2024
Mowing	L35000200120001100	7410 Wilmington-Dayton Road	\$ 376.00	5/16/2023	June 2024
Mowing	L35000200020005500	2088 Dane Lane	\$ 376.00	5/16/2023	June 2024
Mowing	L35000200080004600	2344 Portage Path	\$ 434.00	6/8/2023	June 2024
<b>Total Grass/Weeds/Abatement</b>			<b>\$ 5,268.59</b>		

Project	Parcel ID	Address	Total to Be Assessed	Date of service	Collection Date
Delinquent Water Bill	L35000100070001800	204 Belair Circle	\$ 293.52	4/21/2022	June 2024
Delinquent Water Bill	L35000200080006100	2417 Marcia Drive	\$ 323.52	4/21/2022	June 2024
Delinquent Water Bill	L35000200080004600	2344 Portage Path	\$ 363.26	7/21/2023	June 2024
<b>Total Delinquent Water Bill</b>			<b>\$ 980.30</b>		



**File Attachments for Item:**

E. Resolution 2024-R-09 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE BELLBROOK-SUGAR MAPLE FESTIVAL COMMITTEE, INC FOR THE 2024 SUGAR MAPLE FESTIVAL (Harding)

## AGENDA ITEM INFORMATION REPORT

**Meeting Type:** City Council Meeting

**Meeting Date:** 2/12/2024

**Department:** Administration

**Submitted By:** Rob Schommer

### **AGENDA ITEM DESCRIPTION:**

#### Resolution

Resolution 2024-R-09 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE BELLBROOK-SUGAR MAPLE FESTIVAL COMMITTEE, INC FOR THE 2024 SUGAR MAPLE FESTIVAL

### **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:**

This Agreement formalizes the partnership with the Bellbrook Sugar Maple Festival Committee, Inc for operation and management of the Bellbrook Sugar Maple Festival.

The City does not have within its structure the resources to plan, operate and manage the Festival. For years, the Committee has provided all the work necessary to make the festival a success to the benefit of the community and on behalf of the City. Seeing the Festival is a City of Bellbrook event, there are certain logistics and elements that needed refined definitions which as a result creates a more beneficial festival operation for both parties of the partnership. In addition, this partnership allows for more resources and funds from the Committee to be dedicated to community-based efforts.

# RECORD OF RESOLUTIONS

Item E. Section 10, Item

Resolution No. 2024-R-09

February 12, 2024

## City of Bellbrook State of Ohio

### Resolution No. 2024-R-09

#### **AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE BELLBROOK-SUGAR MAPLE FESTIVAL COMMITTEE, INC FOR THE 2024 SUGAR MAPLE FESTIVAL**

WHEREAS, the Bellbrook Sugar Maple Festival is a community event with a long-standing tradition; and

WHEREAS, planning, operation, and management of the Festival requires significant resources which are not available within the City structure; and

WHEREAS, The Bellbrook Sugar Maple Festival Committee, Inc is a community-centered charitable non-profit organization organized specifically to operate and manage the Festival with a significant history of success and give-back to the community; and

WHEREAS, operation of the Festival requires use of public streets, alleys and certain parcels and facilities owned by the City of Bellbrook; and

WHEREAS, City Council has determined it is in the best interest of the City of Bellbrook to hold the Bellbrook Sugar Maple Festival annually and to enter into an agreement for its operation and management.

#### **NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY RESOLVES:**

Section 1. The City Manager is hereby authorized to execute an Agreement with the Bellbrook Sugar Maple Festival Committee, Inc. for the operation and management of the 2024 Bellbrook Sugar Maple Festival as substantially set forth in Exhibit A.

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 12<sup>th</sup> day of February, 2024.

\_\_\_\_\_ Yeas; \_\_\_\_\_ Nays.

# RECORD OF RESOLUTIONS

Item E. Section 10, Item

Resolution No. 2024-R-09

February 12, 2024

AUTHENTICATION:

\_\_\_\_\_  
Michael W. Schweller, Mayor

\_\_\_\_\_  
Robert Schommer, Clerk of Council

## Resolution 2024-R- Exhibit A

### City of Bellbrook Sugar Maple Festival Operation and Management Agreement

This Agreement including any and all Exhibits and Attachments constitutes the agreement by and between the City of Bellbrook Ohio a municipal corporation (“City”) and The Bellbrook Sugar Maple Festival Committee, Inc (“Committee) regarding the operation and management of the Bellbrook Sugar Maple Festival (“Festival”)

#### **Recitals:**

WHEREAS, the Bellbrook Sugar Maple Festival is a community event with a long-standing tradition; and

WHEREAS, planning, operation, and management of the Festival requires significant resources which are not available within the City structure; and

WHEREAS, The Bellbrook Sugar Maple Festival Committee, Inc is a community-centered charitable non-profit organization organized specifically to operate and manage the Festival with a significant history of success and give-back to the community; and

WHEREAS, operation of the Festival requires use of public streets, alleys and certain parcels and facilities owned by the City of Bellbrook; and

WHEREAS, the City recognizes it is in the best interest of the City of Bellbrook to hold the Bellbrook Sugar Maple Festival annually to be operated and managed by the Committee.

Now, therefore, in consideration of the mutual covenants and conditions herein contained, the City and the Committee agree as follows:

1. Services to be Performed by the Committee: The Bellbrook Sugar Maple Festival Committee, Inc will assist in the planning for and provide the operation and management of the Festival as agreed to between the parties and within this Agreement to include, but not be limited to:
  - a. Create a security plan including alcohol sales/consumption and crowd control measures
  - b. Create an operation and management plan for the Festival including, but not limited to the following:
    - i. Event schedule and anticipated budget
    - ii. Marketing and Festival announcements and outreach
    - iii. Required permits, licenses, and agreements
    - iv. Anticipated vendors, supplies, services and performers
    - v. Final event layout
  - c. Make arrangements for and execute contracts and agreements for the agreed to services on behalf of the Festival including vendors, supplies, services, performers, etc.
  - d. Conduct pre and post event activities including event set-up and tear-down, of facility and Festival spaces.

- e. Provide volunteer staffing adequate for the agreed to operation and management of the planned events during the Festival.
2. Responsibilities of the City: The City of Bellbrook holds the Festival as a benefit to the residents and community, and under the authority as a Charter City and as Resolved by City Council authorizes the use of city resources, public right of way and public facilities during the event in the best interests of Bellbrook residents. As such, responsibilities of the City to provide the ability of the Committee to operate and manage the Festival include but are not limited to:
  - a. Hold the authority to and authorize use of public right of way, public facilities and city resources for the operation of the Festival.
  - b. Authorize the agreed to operation and management plan prepared by the Committee for the Festival
  - c. Designate all members of the Committee as volunteers to the City for the Festival
  - d. Hold liability and insurance coverage for the Festival and volunteers
3. Liability Insurance: The City agrees to bear all costs and responsibilities for the actions related to the Festival including its personnel and volunteers. In addition, the City agrees to obtain and maintain comprehensive liability insurance coverage for the Festival.
4. Allocation of Funds/Proceeds and Management Fee: The City agrees that any and all proceeds earned from sales, donations, sponsorships, and any other Festival related proceeds shall be received by and maintained by the Committee in exchange for the cost of the Festival operations and management. Both parties understand proceeds may surpass direct expenses and it is in the benefit and best interest of the city for the Committee, as a charitable community-centered non-profit organization, to use and allocate those funds to further the charitable mission of the Committee. The city withholds the right to monitor or audit any financial transaction related to the Festival as it deems appropriate.
  - a. Should the City have any direct costs associated with the Festival not covered or paid by the Committee's fund such as licensing, permits, fees, etc. the City may recoup said costs from the Festival Proceeds. This does not include the cost of resources, personnel, or use of public right of way or facilities.
  - b. Should the Festival be cancelled, interrupted, or otherwise fail to generate proceeds to cover the costs expended or obligated, it shall not be the City's responsibility to cover those costs.
5. Compliance With Licenses, Permits, and Certifications: The Committee represents and warrants that all members and volunteers associated with the Festival shall comply with federal, state, and local laws requiring any required licenses, permits, certificates, or actions necessary to perform the services under this Agreement.
6. Assignment and Delegation: The Committee shall not assign rights or delegate any duties or performance of services under this Agreement to any other individual, organization or entity.
7. Severability: This Agreement shall remain in effect in the event a section or provision is unenforceable or invalid. All remaining sections and provisions shall be deemed legally binding unless a court rules that any such provision or section is invalid or unenforceable, thus, limiting the effect of another provision or section. In such case, the affected provision or section shall be enforced as so limited.
8. Governing Law: This Agreement shall be governed under the laws in the State of Ohio.
9. Option to Terminate: The City and Committee shall not have the right to terminate this Agreement unless there is reasonable cause to believe and written notice of:

- a. A material breach of the other party
  - b. Any act exposing the other party to liability to others for personal injury or property damage
  - c. Any criminal act conducted by a group or individual in the performance of duties related to this Agreement for the Festival
10. Termination for Cause: If a party commits a material breach of this Agreement, then the non-breaching party may terminate this Agreement for cause, so long as the non-breaching party first provides breaching party with a written notice of the breach and breaching party fails to cure the breach within ten (10) business days of receipt of the notice or, if the breach by its nature cannot reasonably be cured within ten business days, then non-breaching party may terminate if the breaching party fails to begin to cure the breach within ten business days of receipt of the notice and works diligently thereafter to cure the breach. Such termination will be without prejudice to any other rights and remedies that may be available to the non-breaching party. In addition, it shall be deemed as Cause for termination by either party if any act exposing the other party to liability to others for personal injury or property damage.
11. Force Majeure: Neither party will be responsible for any delay or failure in performance resulting from strike, lockout, failure of power, fire, acts of God, terrorism, riots, insurrection, war or other similar reason beyond the reasonable control of such party (“Force Majeure Event”). When either party has knowledge of any Force Majeure Event that will delay or affect its performance, such party will immediately notify the other party. The time for performing any obligation may be extended for a period equivalent to the period of such Force Majeure Event at the sole discretion of the City.
12. Entire Agreement: This Agreement, along with any attachments or addendums, represents the entire agreement between the parties. Therefore, this Agreement supersedes any prior agreements, promises, conditions, or understandings between the City and the Committee.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

**CITY OF BELLBROOK, OHIO**

\_\_\_\_\_  
By:  
Its:

**THE BELLBROOK SUGAR MAPLE FESTIVAL COMMITTEE, INC**

\_\_\_\_\_  
By:  
Its: