



CITY COUNCIL REGULAR MEETING AGENDA **Monday, February 13, 2023 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 January 9, 2023 Regular Meeting Minutes
 - B. Approval of the January 23, 2023 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**
- 9. INTRODUCTIONS OF ORDINANCES**
- 10. ADOPTION OF RESOLUTIONS**
 - A. Resolution 2023-R-2 CERTIFYING THE FINAL ENACTED RESOLUTION AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR PID 110612 CONSISTING OF CONSTRUCTING A SHARED USE PATH ON FRANKLIN STREET (Harding)
 - B. Resolution 2023-R-3 DECLARING CERTAIN CITY OWNED PROPERTY NO LONGER REQUIRED FOR MUNICIPAL PURPOSES AS SURPLUS AND AUTHORIZING DISPOSAL OF SAID PROPERTY (Greenwood)
- 11. OLD BUSINESS**
- 12. NEW BUSINESS**
 - A. Motion to Appoint William Beeman to represent the City of Bellbrook on the Greene County Board of Health.
- 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**

File Attachments for Item:

A. Approval of the January 9, 2023 Regular Meeting Minutes

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting
January 9, 2023

Item A. Section 4, Item

CALL THE MEETING TO ORDER:

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

PLEDGE OF ALLEGIANCE:

Mayor Schweller led the Council in the Pledge of Allegiance.

ROLL CALL:

PRESENT

Mrs. Katherine Cyphers
Mr. Forrest Greenwood
Mr. Brady Harding
Mr. Ernie Havens
Mrs. Elaine Middlestetter
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: Mrs. Cyphers, Mr. Greenwood, Mr. Harding, Mr. Havens, Mrs. Middlestetter, Mayor Schweller.

Motion Carries

ALSO PRESENT:

Rob Schommer, City Manager

APPROVAL OF MINUTES:

None

MAYOR'S ANNOUNCEMENTS / SPECIAL PRESENTATIONS:

None

CITIZEN COMMENTS

None

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting
January 9, 2023

Item A. Section 4, Item

PUBLIC HEARING OF PROPOSED ORDINANCES:

None

INTRODUCTION OF ORDINANCES:

None

RESOLUTIONS:

None

OLD BUSINESS:

None

NEW BUSINESS:

Mayor Schweller introduced Council Committee and associated organization delegate assignment.

Mayor Schweller asked if anyone wished to make any changes to those committee's assignments as a chairperson or as a committee member.

Mr. Havens replied on T.J. Hoke's behalf about his desire to return as Chair of the Safety Committee.

Mr. Schommer noted a swap of Mr. Greenwood and Mr. Hoke on the Safety and Finance Committees respectively would allow each member to remain on just two committees and not affect any other assignments is the desire was to keep all else the same.

Mayor Schweller approved that change with no other suggestions or concerns from Council.

Mr. Schommer announced the revised 2023 committee assignments as follows:

Finance and Audit: Mrs. Cyphers (Chair), Mr. Havens, and Mr. Greenwood.

Safety: Mr. Hoke (Chair), Mrs. Middlestetter, and Mrs. Cyphers.

Community Affairs: Mrs. Middlestetter (Chair), Mr. Harding, and Mr. Havens.

Service: Mr. Greenwood (Chair), Mr. Harding, and Mr. Hoke.

Mayor Schweller stated to Council, if you want to attend another Committee Meeting, it will become a public meeting.

CITY MANAGER REPORT:

Mr. Schommer discussed the emergency dispatch public safety answering point agreement that we currently have, serviced by Greene Central out of Xenia. Proposal for a multi-year agreement with an

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting
January 9, 2023

Item A. Section 4, Item

increase to our fees. He noted pricing details on the services provided at the Center. In the year 2023 there will be a slight increase in prices and then it would go down year after year with efforts put towards moving to a county wide board and not just Xenia being the main coordinator. The goal is to have the entire county as one entity.

Mayor Schweller thanked Mr. Schommer for putting this agreement together. It will be a savings for our citizens.

Mr. Schommer spoke on the downtown Street Scape projects noting the bids start around May. In addition, the resurfacing and intersection improvements will bid in Spring for a hopeful summer project start.

Mr. Schommer noted fiscal year 2022 is closed and completely balanced, which now triggers the 2022 Audit process. Documents and reports are being put together to begin developing the 2022 Financial Statement, followed up by the independent audit.

Mr. Schommer announced the City is in consultation with Julian and Grube for development of the proper uniform guidance procedures for accounting and fiscal practices. The policies are expected to be finalized and ready for authentication and approval by Spring.

Mr. Schommer also noted the City is consulting with Lexipol on the review and updating of the City Personnel Manual, to make sure all merit and personnel related policies are based on up to date modern, legal and professional standards.

Mayor Schweller asked if anyone had any questions or comments regarding the city manager report.

Mr. Havens inquired about the re-paving on Franklin and Main streets, asking if there a common problem under the road that can be fixed before paving to avoid having to dig it up for future repairs. Mr. Schommer replied water mains run under the roadway and an inspection of all valves and maintenance items are being done to see if there are any preventive maintenance issues needed; however, it is hard to predict main breaks.

Mr. Havens noted he hopes the policy updates for the City do not get over complicated or unnecessary. Mr. Schommer stated his philosophy is generalize if you can, specialize if you must regarding policy development.

Mr. Havens also asked about the hiring of three police officers and the budget going into a negative status. He asked is delaying the hiring would help the budget shortfall. Mr. Schommer replied he wasn't sure how we could without a significant reduction in the services that we are providing. He noted the positions are funded within the 2023 budget, and we need to plan for 2024 where either reductions in service or addressing revenue needs to be decided by the community.

Mr. Harding asked if we have any updates on the Museum and the timeline of the construction progress. Mr. Schommer stated there are no updates at this time. It is looking great and coming together.

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting
January 9, 2023

Item A. Section 4, Item

Mr. Greenwood asked about the GIS website and taxes, noting he found some inaccurate information on the website. Mr. Schommer replied to contact the Auditors office if any info on the GIS website is incorrect.

Mr. Schommer spoke on the consideration and finalization of the CIC appointments for council and asked that to be considered for the next meeting.

Mayor Schweller thanked Mr. Schommer.

COMMITTEE REPORTS:

SAFETY:

Mr. Greenwood noted he was proud of the movement to get a full time School Resource Officer in the schools for the 2023-2024 year which will make a safer environment. He also noted due to the inability to get police cars, the Police and Fire Chiefs are working to transfer an underused fire staff vehicle for use by the police department. He appreciated the departments and all staff working together to get the job done.

SERVICE:

Mr. Greenwood noted the new backhoe has arrived and the old one will be soon sold on govDeals.

FINANCE/GOVERNMENT AFFAIRS:

None

COMMUNITY AFFAIRS:

None

CITY OFFICIAL COMMENTS:

Mr. Harding sending his condolences to Lt. Jay Leach. Also, asked Mr. Schommer about animals crossing the roadway and warning signs placement. Mr. Schommer noted he would work with Mr. Harding and any concerned residents to address any issues.

Mr. Havens thanked Mr. Schommer for negotiating for dispatch services.

Mrs. Middlestetter thanked Mr. Schommer for negotiating for dispatch and offered condolences to Lt. Leach.

Mr. Greenwood spoke on the Bellbrook Library and the expansion, that he, Mrs. Middlestetter and the library staff will continue to meet to see what possibilities there are based on what the needs are.

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting

January 9, 2023

Item A. Section 4, Item

Mayor Schweller offered condolences and is sending prayers to Lt. Jay Leach. He also thanked Rumpke for keeping the information flowing regarding for trash pickups, and confirmed the City crediting residents for the unanticipated delay in pickup due to weather and the holiday was the right thing to do. He agrees that the residents deserve to get the services they agree to pay for and supports actions to keep the best value in services for the community.

ADJOURNMENT:

Hearing no further business coming before the Council, Mayor Schweller declared the meeting adjourned at 8:07 pm

Michael Schweller, Mayor

Robert Schommer, Clerk of Council

File Attachments for Item:

B. Approval of the January 23, 2023 Regular Meeting Minutes

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting
January 23, 2023

Item B. Section 4, Item

CALL THE MEETING TO ORDER:

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

PLEDGE OF ALLEGIANCE:

Mayor Schweller led the Council in the Pledge of Allegiance.

ROLL CALL:

PRESENT

Mrs. Katherine Cyphers
Mr. Forrest Greenwood
Mr. Brady Harding
Mr. Ernie Havens
Mr. T.J. Hoke
Mrs. Elaine Middlestetter
Mayor Mike Schweller

ABSENT:

ALSO PRESENT:

Rob Schommer, City Manager

APPROVAL OF MINUTES:

Mayor Schweller asked if anyone had comments or corrections to the minutes of the December 19, 2022, special meeting. Hearing none, the minutes were declared to be approved.

Mayor Schweller requested a Motion to enter into Executive Session to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee.

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

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

Mayor Schweller announces going into the Executive Session at 7:04pm. The council will reconvene for the regular meeting at the conclusion of the Executive Session.

Mayor Schweller asked for a Motion to adjourn Executive Session at 7:30pm.

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

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

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting
January 23, 2023

Item B. Section 4, Item

MAYOR'S ANNOUNCEMENTS / SPECIAL PRESENTATIONS:

None

CITIZEN COMMENTS

None

PUBLIC HEARING OF PROPOSED ORDINANCES:

None

INTRODUCTION OF ORDINANCES:

None

RESOLUTIONS:

Resolution 2023-R-1: Authorizing the City Manager to negotiate an executive agreement with the City of Xenia for public safety answering point and dispatching services thru Xenia Greene Central Communication Center.

Mayor Schweller asked Mr. Schommer to expand on this agreement.

Mr. Schommer spoke on the agreement and the commitment on the terms with Xenia Greene Central Communication Center. He noted the original proposal showed consistent cost increases starting year on with a \$90,000 increase and escalating each year thereafter to a \$200,000 increase. Mr. Schommer had several meetings and negotiations with Xenia and Greene County, presenting alternatives to the agreement including seeking service from other entities. The results of the negotiations provided a proposal for 2023 then a fee-reduction over four years reducing the total annual cost by \$110,000 which would be based on service demand, not an independent dispatch console workstation. He asked the Resolution to be considered for Adoption so we can notify Xenia on our agreement to move forward.

Mayor Schweller thanked Mr. Schommer for his work on this agreement with Xenia.

Mayor Schweller asked council if they had any comments.

Mr. Hoke asked about the statement on a "transition to a general level customer", is this meaning we will not have a dedicated console. Mr. Schommer replied yes.

Mr. Hoke asked if Central Dispatch are aware of these terms in advance. Mr. Schommer replied yes, these terms were actually their proposal..

Mr. Schommer stated the City of Centerville and Beavercreek were investigated. Xenia Greene Central

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting
January 23, 2023

Item B. Section 4, Item

Communication Center was and remains the best option for dispatch services for the City of Bellbrook.

Motion to adopt Resolution 2023-R-1

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

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

Motion Carries

OLD BUSINESS:

None

NEW BUSINESS:

Mayor Schweller introduced the selection and appointment of two Council representatives for the Bellbrook Community Improvement Corporation (CIC). The appointees will be one from term ending 2023 and one term ending 2025.

Mayor Schweller opened nomination for the CIC with the terms expiring in 2023 and 2025.

Mr. Hoke nominated Mr. Havens (CIC)2023, Seconded by Mrs. Cyphers

Mr. Havens nominated Mrs. Cyphers (CIC) 2025, Seconded by Mrs. Middlestetter.

Mr. Havens nominated Mr. Hoke (CIC)2023, Seconded by Mr. Harding

Mayor Schweller asked if anyone had any other nominations. None

Mayor Schweller asked for a vote for the 2023(CIC) nominees.

Discussions about order of voting for nominations and respective terms ended with Mr. Hoke refusing his nomination, as he supported Mr. Havens to serve.

Motion to appoint Mr. Havens and Mrs. Cyphers as City Council Delegates for the Bellbrook Community Improvement Corporation.

Motion made by Mayor Schweller, Seconded by Mr. Greenwood.

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

Abstaining: Mrs. Cyphers, Mr. Havens

Motion Carries.

Mr. Schommer called the roll.

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

Mr. Havens recused himself.

Motion Carries

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting
January 23, 2023

Item B.Section 4, Item

Mayor Schweller announced Mr. Havens will be the representative for the appointment term of 2023(CIC). Mrs. Cyphers will be the representative for 2025(CIC).

Mayor Schweller congratulated both nominees.

CITY MANAGER REPORT:

Mr. Schommer gave updates on the personnel related issues. Mr. Schommer will meet with Mrs. Cyphers for the first finance and audit committee for the financial statement. Working on the adoption for the uniform guidance procedures and the personnel manual.

Mayor Schweller asked if anyone had any questions for the City Manager.

Mrs. Middlestetter asked about the documents provided on the dark sky and lighting. Is there any movement on this or investigation for making an Ordinance for Bellbrook. Mr. Schommer stated Council would vote to send an application to the Planning Board to review the changes.

Mayor Schweller asked if there were any other questions for the City Manager. None

COMMITTEE REPORTS:

SAFETY:

Mr. Hoke provided updates on police and fire. He provided details on the police department hiring of officers include the newly created school resource officer. He added there is a new prosecutor for the city Mr. Michael Mayor and staff is working on grant paperwork to help fund a victim advocate that would help the city out. The police force will be participating in the school's active response team planning committee to enhance safety at the school buildings.

SERVICE:

Mr. Greenwood spoke on water main breaks and thanked the service department for the quick resolution. He also noted he has heard discussion about potholes which occur this time of year and encouraged anyone seeing a concern to call in and report it.

FINANCE/GOVERNMENT AFFAIRS:

None

COMMUNITY AFFAIRS:

None

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting
January 23, 2023

Item B. Section 4, Item

CITY OFFICIAL COMMENTS:

Mrs. Cyphers- None

Mr. Harding- None

Mr. Havens- Inviting everyone to attend the Lyons Club pancake breakfast one month away. Also, mentioned the upcoming Casino Night for the Chamber of Commerce.

Mr. Hoke- Spoke on the Lyons Club pancake breakfast being advertised in the city newsletter and website. He also gave updates on his recent meeting with the parks director on the request for an alcohol beverage special event policy that is in place and ready for use. He was appreciative this process was followed through and looks forward to enhanced use of the parks.

Mrs. Middlestetter- Encouraged residence to use the Winters Library and continues to be impressed with how many activities are held there.

Mr. Greenwood- Noted the process for the Miami Valley Regional Planning Commission traffic areas and projects study is coming soon.

Mayor Schweller- thanked the service department for keeping the roads clean during inclement weather.

EXECUTIVE SESSION:

ADJOURNMENT:

Hearing no further business coming before the Council, Mayor Schweller declared the meeting adjourned at 7:37pm

Michael Schweller, Mayor

Robert Schommer, Clerk of Council

File Attachments for Item:

A. Resolution 2023-R-2 CERTIFYING THE FINAL ENACTED RESOLUTION AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR PID 110612 CONSISTING OF CONSTRUCTING A SHARED USE PATH ON FRANKLIN STREET (Harding)

RECORD OF RESOLUTIONS

Item A. Section 10, Item

Resolution No. 2023-R-2

February 13, 2023

City of Bellbrook State of Ohio

Resolution No. 2023-R-2

CERTIFYING THE FINAL ENACTED RESOLUTION AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR PID 110612 CONSISTING OF CONSTRUCTING A SHARED USE PATH ON FRANKLIN STREET

WHEREAS, on the 26th day of August 2019, Bellbrook City Council representing the Local Public Agency (LPA) enacted legislation (Resolution 2019-Z) proposing cooperation with the Director of Transportation for the described project:

The project consists of constructing a shared use path on the south side of Franklin Street (S.R. 725) from just West of Sugarcreek Road to the alley West of South West Street, including constructing sidewalk; curb ramps; and curb and storm sewer improvements, lying within the City of Bellbrook; and

WHEREAS, the City of Bellbrook (LPA) shall cooperate with the Director of Transportation in the above described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

The share of the cost of the LPA is now estimated in the amount of Five Hundred Sixty- One Thousand Nine Hundred Thirty-Five and - - - 00/100 Dollars, (\$561,935.00) LESS OPWC in the amount of Four Hundred Forty-Five Thousand Three Hundred Six and 00/100 Dollars, (\$445,306.00) leaving a balance of One Hundred Sixteen Thousand Six Hundred Twenty-Nine and 00/100 Dollars, (\$116,629.00), but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The City of Bellbrook (LPA) desires the Director of Transportation to proceed with the aforesaid highway improvement.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY RESOLVES:

Section 1. That the estimated sum, of Five Hundred Sixty-One Thousand Nine Hundred Thirty-Five and 00/100 Dollars, (\$561,935.00) LESS OPWC in the amount of Four Hundred Forty-Five Thousand Three Hundred Six and 00/100 Dollars, (\$445,306.00) leaving a balance of One Hundred Sixteen

RECORD OF RESOLUTIONS

Item A. Section 10, Item

Resolution No. 2023-R-2

February 13, 2023

Thousand Six Hundred Twenty-Nine and 00/100 Dollars, (\$116,629.00) is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from Federal funds.

Section 2. That the City of Bellbrook (LPA) hereby requests the Director of Transportation to proceed with the aforesaid highway improvement

Section 3. That the City of Bellbrook (LPA) enter into a contract with the State, and that the City Manager be, and is hereby authorized to execute said contract as substantially set forth in Exhibit A, providing for the payment of the LPA sum of money set forth herein above for improving the described project.

Section 4. That the City of Bellbrook (LPA) transmit to the Director of Transportation a fully executed copy of this Resolution.

Section 5. Authentication of this Resolution is to certify that we have compared the foregoing copy of Resolution as attached herein as Exhibit B with the original record thereof, found in the record of the proceedings of the City of Bellbrook (LPA), and which Resolution was duly passed by the City of Bellbrook (LPA) on the 26th day of August, 2019, and that the same is a true and correct copy of the record of said Resolution and the action of the City of Bellbrook (LPA) thereon.

Section 6. 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 7. That this resolution shall take effect and be in force forthwith.

PASSED BY City Council this ____ day of _____, 2023.

____ Yeas; ____ Nays.

AUTHENTICATION:

Michael W. Schweller, Mayor

Robert Schommer, Clerk of Council

Resolution 2023-R-2 Exhibit A**C O N T R A C T**

(Chapter 5521, Ohio Revised Code)

This contract is made by and between the State of Ohio, Department of Transportation, acting through its director (hereinafter referred to as the "STATE"), 1980 West Broad Street, Columbus, Ohio 43223, and the City of **Bellbrook**, (hereinafter referred to as the legislative authority/Local Public Agency or "LPA").

WITNESSTH:

WHEREAS, Chapter 5521 of the Ohio Revised Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the Director of Transportation; and

WHEREAS, through the enactment of preliminary legislation, the LPA and the STATE have agreed to cooperate in the highway project described below; and

WHEREAS, through the enactment of final legislation, the LPA has committed to pay an estimated amount of money as its share of the total estimated cost and expense of the highway project described below; and

WHEREAS, the fiscal officer of the LPA has filed with the LPA a certificate stating that sufficient moneys are available, as required by Chapter 5521 and Section 5705.41 of the Ohio Revised Code. A duplicate certificate is attached hereto; and

WHEREAS, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment of the agreed portion of the cost of the highway project and any additional obligations for the highway project described below.

NOW, THEREFORE, in consideration of the premises and the performances of mutual covenants hereinafter set forth, it is agreed by parties hereto as follows:

SECTION I: **RECITALS**

The foregoing recitals are hereby incorporated as a material part of this contract.

SECTION II: **PURPOSE**

The purpose of this contract is to set forth requirements associated with the highway project described below (hereinafter referred to as the "PROJECT") and to establish the responsibilities for the administration of the PROJECT by the LPA and the STATE.

SECTION III: LEGAL REFERENCES

This contract is established pursuant to Chapter 5521 of the Ohio Revised Code.

SECTION IV: SCOPE OF WORK

The work to be performed under this contract shall consist of the following:

The project consists of constructing a shared use path on the south side of Franklin Street (S.R. 725) from just West of Sugarcreek Road to the alley West of South West Street, including constructing sidewalk; curb ramps; and curb and storm sewer improvements, lying within the City of Bellbrook.

SECTION V: FINANCIAL PARTICIPATION

1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.
2. The STATE may allocate the money contributed by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, notwithstanding the percentage basis of contribution by the LPA.
3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the Director of Transportation.
4. The LPA agrees to pay to the STATE its share of the total estimated cost expense for the above highway project in the amount of **Five Hundred Sixty-One Thousand Nine Hundred Thirty-Five and - - - 00/100 Dollars, (\$561,935.00) LESS OPWC in the amount of Four Hundred Forty-Five Thousand Three Hundred Six and 00/100 Dollars, (\$445,306.00) leaving a balance of One Hundred Sixteen Thousand Six Hundred Twenty-Nine and -----00/100 Dollars, (\$116,629.00).**
5. **The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.**
6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items required by the LPA on the entire project, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.
7. The LPA agrees that change orders and extra work contracts required fulfilling the construction contracts shall be processed as needed. The STATE shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

SECTION VI: RIGHT-OF-WAY AND UTILITIES

1. The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.
2. The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual, including that:
 - A. Arrangements have been or will be made with all utilities where facilities are affected by the described PROJECT, that the utilities have agreed to make all necessary removals and/or relocations to clear any construction called for by the plans of this PROJECT, and that the utilities have agreed to make the necessary removals and/or relocations after notification by the LPA or STATE.
 - B. The LPA shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.
 - C. The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the PROJECT and that the utility removals and/or relocations shall be approved by the STATE and performed in accordance with the provisions of the ODOT Construction and Materials Specifications.

SECTION VII: ADDITIONAL PROJECT OBLIGATIONS

1. The STATE shall initiate the competitive bid letting process and award the PROJECT in accordance with ODOT's policies and procedures.
2. The LPA agrees:
 - A. To keep said highway open to traffic at all times;
 - B. To maintain the PROJECT in accordance with the provisions of the statutes relating thereto,
 - C. To make ample financial and other provisions for such maintenance of the PROJECT after its completion;
 - D. To maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the STATE and hold said right-of-way inviolate for public highway purposes;

- E. To place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;
- F. To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

SECTION VIII: DISPUTES

In the event that any disputes arise between the STATE and LPA concerning interruption of or performance pursuant to this contract, such disputes shall be resolved solely and finally by the Director of Transportation.

SECTION IX: NOTICE

Notice under this contract shall be directed as follows:

City of Bellbrook
15 E Franklin Street
Bellbrook, Ohio
45305

Ohio Department of Transportation
Office of Contract Sales & Estimating
1980 West Broad Street, 1st Floor
Columbus, Ohio 43223

SECTION X: FEDERAL REQUIREMENTS

1. In carrying out this contract, LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, or age. LPA will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin (ancestry), disability, genetic information, or age (40 years or older), sexual orientation, or military status (past, present, future). Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment or Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.
2. To the extent necessary under Ohio law, LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. LPA will, in all solicitations or advertisements for employees placed by or on behalf of LPA, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin (ancestry), disability, genetic information, age (40 years or older), sexual orientation, or military status (past, present, future). If applicable, the LPA shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials) and will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.

3. LPA agrees to fully comply with Title VI of the Civil Rights Act of 1964, 42 USC Sec. 2000. LPA shall not discriminate on the basis of race, color, or national origin in its programs or activities. The Director of Transportation may monitor the Contractor's compliance with Title VI.

SECTION XI: GENERAL PROVISIONS

1. This contract constitutes the entire contract between the parties. All prior discussions and understandings between the parties are superseded by this contract.
2. Neither this contract nor any rights, duties or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.
3. Any change to the provisions of this contract must be made in a written amendment executed by both parties.
4. This contract and any claims arising out of this contract shall be governed by the laws of the State of Ohio. Any provision of this contract prohibited by the law of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this contract or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that the STATE is a party to any litigation arising out of or relating in any way to this contract or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.
5. All financial obligations of the State of Ohio, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio General Assembly and encumbered by the STATE. Additionally, it is understood that this financial obligation of the LPA shall not be valid and enforceable unless funds are appropriated by the LPA's legislative body.
6. This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.
7. LPA agrees that it is currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the Ohio Revised Code.

SECTION XII: SIGNATURES

Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such principal behalf.

Any party hereto may deliver a copy of its counterpart signature page to this Agreement via fax or e-mail. Each party hereto shall be entitled to rely upon a facsimile signature on any other party delivered in such a manner as if such signature were an original.

IN WITNESS THEREOF, the parties hereto have caused this contract to be duly executed in duplicate.

SEAL

(If Applicable)

**OHIO DEPARTMENT OF
TRANSPORTATION**

LOCAL PUBLIC AGENCY
City of **Bellbrook**

Director of Transportation

City Manager

Date

Approved:
Dave Yost
Attorney General of Ohio

By: _____
Corinna Efke
Unit Coordinator, Transportation
Executive Agencies Section

RECORD OF RESOLUTIONS

Resolution No. 2019-Z

August 26, 2019

City of Bellbrook**Resolution No. 2019-Z****A Resolution Authorizing the City Manager to Approve the Participatory Legislation for the State of Ohio Department of Transportation Related to the Franklin Street Path Project (PID No. 110612)**

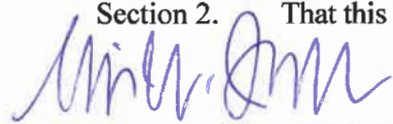
WHEREAS, the City of Bellbrook wishes to construct a shared use path on the south side of Franklin Street from just west of Little Sugarcreek Road to the alley west of West Street along with construction of a mid-block crossing west of the alley; and

WHEREAS, the City of Bellbrook wishes to collaborate with the Ohio Department of Transportation in order to complete the above described project.

Now, Therefore, the City of Bellbrook Hereby Resolves:

Section 1. The Bellbrook City Council does hereby authorize the City Manager to approve the Participatory Legislation for the State of Ohio Department of Transportation for the construction of a shared use path on Franklin Street as described above, attached hereto as Exhibit "A".

Section 2. That this resolution shall take effect and be in force forthwith.



Michael W. Schweller, Mayor



Pamela Timmons, Clerk of Council

File Attachments for Item:

B. Resolution 2023-R-3 DECLARING CERTAIN CITY OWNED PROPERTY NO LONGER REQUIRED FOR MUNICIPAL PURPOSES AS SURPLUS AND AUTHORIZING DISPOSAL OF SAID PROPERTY (Greenwood)

RECORD OF RESOLUTIONS

Item B. Section 10, Item

Resolution No. 2023-R-3

February 13, 2022

City of Bellbrook State of Ohio

Resolution No. 2023-R-3

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

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

WHEREAS, the property is desired to be sold via an internet-based auction process or otherwise discarded or salvaged.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY RESOLVES:

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

ITEM-----	SERIAL NO.-----	ASSET ID
2005 John Deer 410G Loader/Backhoe	T0410GX953376	04211

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 13th day of February, 2022.

_____ Yeas; _____ Nays.

AUTHENTICATION:

Michael W. Schweller, Mayor

Robert Schommer, Clerk of Council

File Attachments for Item:

A. Motion to Appoint William Beeman to represent the City of Bellbrook on the Greene County Board of Health.

From: [Carla DeBrosse](#)
To: [Rob Schommer](#)
Subject: City of Bellbrook representative
Date: Tuesday, January 24, 2023 3:29:16 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Dear City Manager Shommer;

The term for the City of Bellbrook representative to the Greene County Board of Health, Mr. William Beeman, will expire in March of this year. We would greatly appreciate the re-appointment of this wonderful contributor to the Board of Health and to Greene County Public Health for an additional four-year term.

If you agree, could you please send me a letter confirming the re-appointment of Mr. Beeman, who has expressed his wishes to be re-appointed. We would be more than pleased to provide assistance in the search for a new candidate should re-appointment not be possible.

Kind regards,



Carla DeBrosse

Executive Assistant

Greene County Public Health
 360 Wilson Dr.
 Xenia, OH 45385




☎ Office: 937.374.5667
 ☎ Fax: 937.374.5675
 ✉ Email: cdebrosse@gcph.info
 🌐 Web: <http://www.gcph.info>



Your Accredited and Trusted Local Public Health Authority Since 1920

This e-mail communication and the attachment(s) thereto, if any, are intended solely for the information and use of the addressee(s) identified above and may contain information that is legally privileged from disclosure and/or otherwise confidential. If a recipient of this e-mail communication is not an addressee, such recipient is hereby advised that any review, disclosure, reproduction, re-transmission, or other dissemination or use of this e-mail communication, or any information contained herein is strictly prohibited. If you are not an addressee and have received this e-mail communication in error, please advise the sender of that circumstance either by reply e-mail or by telephone at (937) 374.5600, immediately delete this e-mail communication from any computer and destroy all physical copies of same.

 Go Green! Print this email only when necessary. Thank you for helping Greene County Public Health be environmentally responsible.

<https://www.research.net/r/GCPHSurvey>

CAUTION: This email originated from outside The City of Bellbrook E-Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

