

RECORD OF PROCEEDINGS
Minutes of Bellbrook City Council Meeting
May 23, 2016

PRESENT: Mr. Nick Edwards
Mr. Forrest Greenwood
Mrs. Elaine Middlestetter
Mrs. Dona Seger-Lawson
Mr. Jon Martin
Deputy Mayor Mike Schweller
Mayor Bob Baird

This is a summary of the City Council meeting held on Monday, May 23, 2016. Mayor Baird called the meeting to order at 7:00 pm and the Clerk called the roll.

After polling members of City Council, as there were no corrections or additions to the **regular meeting minutes of May 9, 2016**, Mayor Baird declared the minutes approved as written.

MAYOR'S ANNOUNCEMENTS/SPECIAL GUEST

The Mayor presented a Certificate of Achievement to Eagle Scout Trenton J. Nartker. Trenton shared with Council about the Community Memorial he constructed in Petrikis Park. The idea of a community memorial was a result of Trenton losing a close friend, Volunteer Fire Fighter Mike Miller who passed away in 2013. Trenton wanted to construct a memorial to recognize citizens who help improve the community. The Mayor and Council congratulated Trenton on his accomplishments.

Police Chief Doherty presented Department awards to Officer Tony Ruble and Officer Nick Davis. Chief Doherty presented the first award to Officer Ruble. Chief Doherty said Officer Ruble has impacted the Community by going above and beyond his normal job expectations. Officer Ruble knows many residents and the residents all love him. Officer Ruble is also a fan favorite at the Bellbrook Sugarcreek schools. Chief Doherty presented Officer Ruble with the Community Policing Award. Officer Ruble thanked the Mayor, Council and residents.

The next award that Chief Doherty presented was to Officer Nick Davis. Officer Davis was presented with the Officer of the Year Award for excelling in his duties the previous year. Officer Davis works the Department's busiest shift from 4:00 pm to midnight. In 2015, Officer Davis led the Department in OVI arrest, citations, drug violation arrests and driving under suspension citations. In September 2015, Officer Davis made the arrest of a suspect who was wanted for aggravated burglary and rape. Also, in 2015, Officer Davis was awarded the Miami Valley Top Cop Award. Officer Davis is a great fit on the evening shift and is well liked by fellow officers. The Mayor congratulated Officer Ruble and Officer Davis on a job well done.

Next, Tosha Shupe, Chairperson of the 2016 Sugar Maple Festival gave a recap of the Sugar Maple Festival. The Festival Committee is made up of all volunteers from the community. Ms. Shupe said the Festival Committee received over \$5,000 from local businesses and families. Ms. Shupe thanked

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the donors for donating to this year's festival. Sales from craft beer and commemorative stein sales totaled over \$14,000.00. This was a record breaker for the Festival. Ms. Shupe said that the money is given back to the community by providing scholarships. Ms. Shupe also said if the Police or Fire Department has a need, the Committee would be willing to help out with it. The Mayor asked Ms. Shupe if she knew the number of those in attendance at the festival. Ms. Shupe is not sure of the number. Ms. Shupe also said that the food vendors made good money and several of the craft vendors ran out of merchandise on Saturday. Mr. Greenwood asked Ms. Shupe if all of the vendor spaces are always filled up. Ms. Shupe replied yes, and said they could fill up the street with vendors if they had more space.

RESOLUTIONS

Mr. Greenwood read **Resolution 2016-P**. A Resolution Authorizing the City Manager to Execute an Agreement to Participate in the ODOT Winter Contract for Road Salt. This will allow the City to participate in the ODOT salt contract. The contract will be submitted for 500 tons of road salt. The per ton price for salt in 2010-2016 has ranged from \$ 54.00 to \$ 72.00. In 2015, the cost of salt was \$98.00 per ton due to the limited supply. Last winter the City used 296 tons which includes 87 tons used by the schools. We will begin next winter with nearly 800 tons of salt. Deliveries will not need to be taken until after January, 2017.

Mr. Greenwood made a motion to adopt Resolution 2016-P Mr. Martin seconded the motion. The Clerk called the roll: Mr. Greenwood, yes; Mr. Martin, yes; Mr. Edwards yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion carried 7-0.

Mrs. Seger-Lawson recused herself from voting and any discussion on **Resolution 2016-Q**

Mrs. Middlestetter read **Resolution 2016-Q**. A Resolution Authorizing the City Manager to Execute an Amendment to the Full Service Street Lighting Agreement with the Miami Valley Lighting, LLC. This addendum authorizes the conversion of all high pressure sodium street lights to LED street lights. The cost of the conversion will be \$1,470. As part of the original contract all mercury vapor street lights will be converted to LED street lights at no cost to the City.

Mrs. Middlestetter made a motion to adopt Resolution 2016-Q. Mr. Schweller seconded the motion. The Clerk called the roll: Mrs. Middlestetter, yes; Mr. Schweller, yes; Mr. Edwards yes; Mr. Greenwood yes; Mr. Martin, yes; Mayor Baird, yes. The motion was carried 6-0.

Mrs. Seger-Lawson read **Resolution 2016-R**. A Resolution Accepting the Bid Submitted by LC United for the 400,000 Gallon Spheroid Exterior Overcoat, Wet Interior Repaint, Dry Interior Partial Repaint and Miscellaneous Repairs Project. The City received 6 bids for this project. This resolution will accept the bid of LC United of \$ 212,500 which was determined to be the lowest and best bid. The construction budget for this project is \$210,680.

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The bid from LC United includes two logos:-the new City logo and the eagle logo from the schools. The cost breakdown for logos is as follows: 1 City logo= \$5,500; 1 eagle logo =\$9,000; 2 City logos= \$9,000. This project is being paid for with water funds. Mayor and Council agreed that 1 City logo and 1 eagle logo will be on the water tower. The project will be completed before school starts back in the fall. Mr. Greenwood asked Mr. Schlagheck if there will be any effect on the water pressure. Mr. Schlagheck said that they are not anticipating any issues. Mr. Edwards asked when the other water towers in the City are due to be painted. Mr. Schlagheck said the other water towers will not need to be painted for another 5-10 years.

Mrs. Seger-Lawson made a motion to adopt Resolution 2016-R. Mr. Greenwood seconded the motion. The Clerk called the roll: Mrs. Seger-Lawson, yes; Mr. Greenwood, yes; Mr. Edwards, yes; Mr. Martin, yes; Mrs. Middlestetter, yes; Mr. Schweller, yes; Mayor Baird yes. The motion carried 7-0.

Mr. Martin read **Resolution 2016-S** A Resolution Declaring Specific Equipment No Longer Needed By the City of Bellbrook as Surplus Property and Authorizing the City Manager to Dispose of Said Surplus Property. This resolution will declare four vehicles as surplus equipment and authorizes their disposal. These four vehicles are being replaced in 2016 and once the new vehicles are placed in service, the old vehicles will be auctioned on GovDeals.com.

Mr. Martin made a motion to adopt Resolution 2016-S. Mr. Edwards seconded the motion. The Clerk called the roll: Mr. Martin, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Mr. Schweller, Mayor Baird, yes. The motion carried 7-0.

CITY MANAGER REPORT

Mr. Schlagheck mentioned several bicentennial events coming up:

Monday, May 30th there will be a Memorial Day Service beginning at 11:30 at Bellbrook cemetery. It will feature a reenactment of a funeral from 1866.

Tuesday, June 7 beginning at 6:30 pm at Winters Library there will be a walking tour of the Old Village.

Saturday June 18 will feature a Community picnic (11:30-1:00) and a vintage baseball game (1:30). There will be food trucks along with Little Miami River Catering. The baseball game will feature the Dayton Clod Busters Baseball Club versus a Bellbrook Team.

Mr. Schlagheck also mentioned the River Festival coming up on Saturday June 4th from 12:00 to 4:00 at Bellbrook Park. The Mayor said this is all part of the River Cleanup Day.

Next, Mr. Schlagheck shared with Council a survey that the City of Beavercreek compiles each year of Local Government Cost which includes real estate taxes, city income taxes, school district income taxes and water/sewer rates for 24 area communities. For 2016, Bellbrook has the lowest local government costs. The survey uses a home value of \$100,000 and earned income of \$50,000. Mr. Schlagheck said this highlights the fact that even though our property taxes are higher than most, the total local government cost is less for our residents (assuming they are not paying an income tax to another community).

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Lastly, Mr. Schlagheck shared with Council that the population in Bellbrook increased 1.5%. The population from the 2010 census was 6,943, it is now 7,053. He said this is a result of the Vineyards and Highview Terrace.

Mr. Schlagheck said the next Council meeting will be June 27th.

COMMITTEE REPORTS

Service: No Report

Safety: No Report

Finance/Audit: No Report

Community Affairs: No Report

OLD BUSINESS-

Transient Rental Regulations

Last fall, the City received a complaint about a property being rented on Airbnb. There were a number of different people coming in and out on a short term rental bases. The City began to review what options they had. The Municipal Attorney drafted some proposed language for review. The proposed language went before the Planning Board at a Public hearing on January 13th. The Planning Board approved the language. Council held a public hearing on March 28th and the language was also approved. The language was effective 30 days later. A letter was drafted and sent to a property owner on April 28th. The property owners were not notified prior to the letter because it was a general zoning code change. Once the property owner received the letter, they replied with proposed amended language to the City. As per the Zoning Code, the Planning Board held a public meeting to review this amended language and found it to have no merit. The property owner's came to Council tonight regarding the amended language.

Mary Grech, 2211 Marcia Drive, owner of the property at 2126 S. Lakeman Dr. Mrs. Grech said back in January neither her nor her husband had the opportunity to answer the allegations that were leveled against them. Mrs. Grech referenced the public record she obtained on line which said that Mr. Mudd said that 35 different groups had stayed at the home located at 2126 S. Lakeman Dr. since last August. She further said that Mr. Mudd alleged that there was trash all over the property as well as broken glass and cigarette butts in his yard. Mrs. Grech also referenced from the public records document that Mr. Mudd stated there was a frat party on the property. Mrs. Grech said she has written proof that the exact number of parties staying at the address from 1 August to 1 January was 14. Mrs. Grech noted that this number is significantly less than half of the number that Mr. Mudd stated. Mrs. Grech said that she has had family stay at the property and they have had an office party there since it is their private property. As for other allegations, Mrs. Grech wanted to know where the proof was since there was not a police report filed or any pictures presented. Mrs. Grech said that there was no due diligence done by this Council.

Mrs. Grech said they purchased their current residence on Marcia Drive in 2009. It had been vacant for 15 months. They have done a number of updates to the property. She also said they are very active in the community and financially support various local organizations. The property located on S. Lakeman was purchased in June 2010 for her parents to live in. They have updated this property too. They recently used Airbnb money to cut down a tree that was threatening their property and

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Ms. Hopson property where Mr. Mudd resides. Mrs. Grech said after her parents moved out of the property on S. Lakeman, they tried to sell the property but could not due to three foreclosures on the street. At that time, they chose to purposely rent through Airbnb over long term rentals as laws regarding landlord tenants have changed. She said it is costly and very hard to convict tenants that are not paying their rent, trashing the home or noise complaints.

She referenced that 1,100 homes being bought by a Corporation in Huber Heights. These homes were foreclosures. She said that there are a lot of foreclosures here in Bellbrook.

Another item Mrs. Grech addressed from a previous meeting is the rental of their home on Airbnb is a business in a residential area. She referenced several other businesses that are going on in homes such as child care, dog training and car repairs. She said she applauds those people for finding a need and meeting it.

Finally she commented on a concern of the neighbors regarding the transients that rent their home. She said she can offer evidence that 1/3 of the guests were of foreign origin, 1/3 were military and the other 1/3 were ordinary adults that chose to spend \$120 dollars a night or more to stay in a clean safe place that is close to many amenities. She also mentioned a neighbor on Tampico Trail said he just moved in and wanted a safe neighborhood for his children. Mrs. Grech replied "Don't we all want this". She wanted to know if this neighbor knows that there are two registered sex offenders that live about a mile away and also a drug house that is around the corner. She asked if City Council has targeted those people as harshly as they targeted her and her husband.

In closing, Mrs. Grech said that this City Council targeted private citizens solely on the basis of a couple of allegations that were not vetted. She said the neighbors might win this battle but the citizens of Bellbrook will have lost the war because a precedent will be set that will pit neighbor against neighbor. She asked if anyone had any questions.

Mayor Baird asked Mr. Schlagheck what the amendment was to change the language. Mr. Martin read the change which says this shall not apply to family members of the titled owner, and owners who lease their property with Airbnb and have registered with Airbnb and maintain a good standing with Airbnb. Mrs. Grech said that the ordinance is written so that even their family members could not stay at the property. Mayor Baird said that they are all in agreement that it was not the City's intent to not allow family. Mr. Schlagheck said if Council does want to change the language, it will likely not be as specific as the proposed amendment. The original language was to not allow transient rentals in residential areas.

Mr. Edwards asked Mrs. Grech how long they have operated the property as a transient rental. She replied since August after her parents moved out. Mrs. Grech reiterated again that they were not able to sell the property due to all of the foreclosures on the street. Mr. Edwards said the Grech's were not being targeted but Council was looking at transient rentals as a whole.

Mrs. Grech wanted to know why they were not apprised to any of these complaints and why were the Police not called for an impartial third party. She asked how these complaints were verified by

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Council. Mr. Schlagheck said this was not driven by the complaint. This became an issue about transient rentals in general in Bellbrook.

Mayor Baird asked about the current rental contracts they have. Mr. Schlagheck said that if the language does not change, this will need to be addressed. Mrs. Grech asked how this would be enforced. Mr. Martin said that this is an ordinance and we expect the residents to follow the ordinances.

Mrs. Middlestetter said that cities always play catch up but the issue here was transient rentals, not a specific home. The City was trying to get proactive on the entire issue of transient rentals.

Mr. Edwards said the Grech's property was not the driving factor as to why the ordinance was passed.

Mr. Greenwood said it could be a nuisance with many people coming in and out of the property. Bellbrook has a good reputation with a good quality of life.

Jeremy Mudd, 2118 South Lakeman Drive. He lives next door to the property rented on Airbnb. Mr. Mudd has lived here for 15 years. They have had great neighbors including the Grech's parents. Once the for sale sign came down on the property next door, they thought they had new neighbors. They soon noticed many different cars and groups coming and going from the property. They learned that the property was rented out on the Airbnb website. They contacted the owners through the Airbnb website and the reply was to mind your own business. Mr. Mudd felt that such a business should not be allowed in a residential area. Mr. Mudd then contacted the City Zoning Office inquiring about the situation. Mr. Mudd said he did not know that the Grech's still owned the property. He thought the Grech's would have talked to them based upon the past relationship with their parents or even handled the initial complaint differently. Mr. Mudd worries what nightly renters would bring. Mr. Mudd said if this is allowed to continue they would sell their home and having this property next door would lower his property value.

Steve Grech, 2211 Marcia Drive, owner of the property at 2126 S. Lakeman Drive-He started off by asking Council if they would define the number in a group. Mr. Martin replied that he did not understand the question. Mr. Martin then replied that a group is between one and the number of people that can stay in their home. Mr. Grech said that a group was not identified in the ordinance. He then referenced the garage sale the city just had. Transients are okay to come into Bellbrook when they are coming to a garage sale, which were groups of one or more. Mr. Grech said that they did not tell the neighbors about Airbnb because it is their private home. He further said that it was stated tonight that they were not targeted but Mr. Grech said that they were targeted because the complaints from the neighbors started this ordinance.

Mr. Grech said that many local communities do not have any ordinances against Airbnb but they all have Airbnb residents. He just wants this sent back to the appropriate zoning body so they can have some input into the ordinance

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Mrs. Middlestetter said that a difference between an in home business and an Airbnb type home is the in home business owner is required to live in the home where the business is. She said that is different than renting your home to others. Mrs. Middlestetter also said that this was not a target against them but the entire business model.

Mr. Grech said that what some cities are doing is having Airbnb properties register with the City or Police Department. Some cities are also doing inspections of the properties. Mr. Grech said this is an alternative. He further said that none of these alternatives were entertained and that is their point. He would like to see this go back to the zoning body so they can have some input.

Mr. Martin asked Mr. Grech why they did not voluntarily let Mr. Mudd know that the property was being renting on Airbnb Mr. Grech said they were not anticipating any problems or if there were any problems, the police would be called.

Mayor Baird asked Mr. Schlagheck for input. Mr. Schlagheck said there are three options on how to deal with this. First, if the zoning code did not define transient rentals at all, anyone could do anything. Secondly, the City could put regulations in place and regulate those. Third, the City can ban them completely, which is what was passed.

Mayor Baird asked about the existing contracts the Grech's have. Mrs. Middlestetter said it is fair and responsible to allow the contracts to go forward. All of Council agreed.

Mr. Grech said the house is rented through September 1st.

Mr. Schweller asked Mr. Schlagheck if the Zoning Code addresses Bed and Breakfast. Mr. Schlagheck replied that they are not permitted. Mr. Schlagheck does not believe they are specifically identified but they fall under the definition of a hotel/motel. Mr. Schweller said he does not support short term transient rentals and would not like to live next to one. He said that it sounds like the Grech's do a good job managing their property but the City is concerned that if there are multiple of these properties and not everyone is a good manager, the City will have problems to deal with. Mr. Schweller also said he was in favor to see what legislation is out there to get a fine tuned ordinance. He does not want family to be banned from the Grech's property. Mr. Schweller suggested that we put some language in about related parties so down the road it does not get convoluted.

Mrs. Middlestetter said we need to look at what society is doing. She said she would be in favor of investigating this more thoroughly.

Mrs. Seger-Lawson said she agrees with what Mr. Schweller said except she would not want language in the code about related parties. She said it is up to the home owner in regards to family members and she does not think having family stay at the property is transient rental. Mrs. Seger-Lawson said she is in favor of banning transient rentals. She would not like to live next door to one or try to sell a house that has a transient rental next door.

Mr. Martin said we have covered this and he does not think anything needs reviewed.

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Mr. Edwards agrees with Mr. Martin and said we should leave the ordinance as is.

Mr. Greenwood said the ordinance should be left as is.

Mayor Baird said he voted against the ordinance originally. He would not like to live next door to a transient rental property but the Mayor said he also is not in favor of government interference. He would not want to live next door to a rental property either. Mayor Baird said he put himself in Mr. Mudd's place too. He did say that he would have called the Police to have a record of the problems with the property.

OPEN DISCUSSION

Mayor Baird thanked Eagle Scout Trenton Nartker and said he was an asset to the community.

Mr. Schweller congratulated Officer Ruble and Officer Davis.

Louis Schatzberg, 4082 Ridgetop Dr., He said he is glad the process works. He was happy to hear the report with the results of the Sugar Maple Festival.

ADJOURN

Being no further business to come before this regular session of the Bellbrook City Council, Mayor Baird declared the meeting adjourned at 8:55 pm.

Robert L. Baird, Mayor

Jami L. Kinion, Clerk of Council