

RECORD OF PROCEEDINGS
Minutes of Bellbrook City Council Meeting
September 12, 2016

PRESENT: Mr. Nick Edwards
Mrs. Elaine Middlestetter
Mrs. Dona Seger-Lawson
Deputy Mayor Mike Schweller
Mayor Baird

ABSENT: Mr. Forrest Greenwood

Mr. Greenwood was absent. **Mr. Edwards moved to excuse Mr. Greenwood.** Mrs. Seger-Lawson seconded the motion. The Clerk called the roll: Mr. Edwards, yes; Mrs. Seger-Lawson, yes; Mrs. Middlestetter, yes; Mr. Schweller, yes; Mayor Baird. The motion carried 5-0.

This is a summary of the City Council meeting held on Monday, September 12, 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 August 8, 2016** and the **special meeting minutes of August 16, August 17 and August 22** Mayor Baird declared the minutes approved as written.

MAYOR'S ANNOUNCEMENTS/SPECIAL GUEST

Mayor Baird read a Proclamation that declares September "Prostate Cancer Awareness Month".

Nikki Kosins, Cheer coach for the High School came to Council to get permission to put streamers up around the City. Council granted the permission and reminded Ms. Kosins that they need to come down in a timely manner. She said they will be removed by November 1st.

Bronne Wilson was at Council to present the 2016 Beautification Awards. The winners are below:

Area A

| | |
|-----------------------|--------------------|
| Amy Spicer | 4394 Hillcrest Dr. |
| Richard & Sharon Cost | 2226 Tampico Trail |

Area B

| | |
|----------------------|--------------------|
| Tom & Kathy Adams | 2200 Ivy Crest Dr. |
| Jimmy Shepard | 2089 Marcia Dr. |
| Kyle & Kelli Kempton | 2445 Tennyson Dr. |

Area C

| | |
|----------------------|---------------------|
| Rob & Mary Hollister | 1692 Garry Dr. |
| Beth & John Edgar | 1767 Kensington Dr. |

Area D

| | |
|--------------------|-------------------|
| Brook & Gary Berry | 66 South East St. |
|--------------------|-------------------|

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Michael & Debi Albrecht 71 Brookwood Dr.

Area E

Chad & Susie McGarry 3950 Jacob Hills Ct.

Craig & Lisa Henry 4028 Sable Ridge Dr.

Business winner-Winters Library-Bellbrook Garden Club

RESOLUTIONS

Mrs. Seger-Lawson read **Resolution 2016-CC**. A Resolution Authorizing the City Manager to Prepare and Submit an Application To Participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Programs and to Execute Contracts as Required. This resolution will authorize the City Manager to submit an application for the Upper Hillside Water Main Improvement Project. The City is seeking \$600,000 in grant funds and \$290,000 in loan funds for the \$1,200,000 project. This project will replace the 50 year old water main in the Upper Hillside plat. This will update service to the 113 residents in this plat and inside water meters will be converted to outside meters. The streets will also be resurfaced.

Mrs. Seger-Lawson made a motion to adopt Resolution 2016-CC. Mr. Edwards seconded the motion. The Clerk called the roll: Mrs. Seger-Lawson, yes; Mr. Edwards, yes; Mrs. Middlestetter, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion carried 5-0.

Mr. Schweller read **Resolution 2016-DD**. A Resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Auditor. This resolution accepts the amounts and rates for property taxes that have been established by the Greene County Budget Commission. The acceptance is required for the taxes to be levied in 2017.

Mr. Schweller made a motion to adopt Resolution 2016-DD. Mrs. Middlestetter seconded the motion. The Clerk called the roll: Mr. Schweller, yes; Mrs. Middlestetter, yes; Mr. Edwards, yes; Mrs. Seger-Lawson, yes; Mayor Baird, yes. The motion carried 5-0.

CITY MANAGER REPORT

Mr. Schlagheck said the Police Department received a complaint about the residents at 2007 S. Linda Dr. having chickens on their property. As of now, it is a violation of the City's General Offense Code to have chickens. Kim Tomlinson, 2007 S. Linda Dr. came to Council to ask for a change in law concerning chickens. She currently has six chickens. She said she has approached her immediate neighbors and asked for their permission to have chickens. She is asking that Council emulate the City of Beavercreek and put in place a one year provision to have chickens. After that one year, if it does not work out then the law can be repealed. Mr. Schlagheck said you can have chickens in Bellbrook if you are on an agricultural zoned area of 5 acres or more. In Bellbrook, that would only apply to one or two parcels. In 2013, Council discussed having chickens within the City limits of

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Bellbrook. The majority of Council was opposed at that time so it did not move forward. Mayor Baird said his issue was the Plat Covenants. Most of the Plat Covenants say you cannot have chickens. If it is in the Plat Covenant, the City cannot change that. Mr. Edwards said he does not think the City of Bellbrook is the right environment for chickens. Mrs. Middlestetter said she is all for sustainability. Her concern is the period of time when the hens are done laying eggs. She said she would not want the chickens to be turned loose within the community. That would become a problem for everyone. Mrs. Seger-Lawson said she is against it. She is concerned about the noise and the smell as well as the neighbors complaining about it. Mrs. Seger-Lawson said she is also concerned about how this would be enforced. Mr. Schweller said he is not as opposed as other members are, but in the past, others have pushed for a change in law or state laws have change and the City accommodated those but then it became the City's problem. He also said he would think that the City would want this heavily regulated. Mrs. Tomlinson said that is why she is asking for the one year provision. She also noted that Beavercreek is voting on this again tonight. Council agreed to wait and see how it is playing out in other areas and to wait and get the opinion of the other two Council members.

Next, Mr. Schlagheck spoke about medical marijuana. The new state law took effect September 8th. Other communities have enacted moratoriums to further study the issue. Mr. Schlagheck is asking the opinion of Council on this matter. Council agreed that more information is needed.

Mr. Schlagheck next spoke to Council about dead trees on two different properties. These residents were each sent four letters. The City has not heard from either of the residents. Mr. Schlagheck presented pictures of the dead trees. The trees are close to the right of way and could pose a threat to public safety if they fall. Mr. Schlagheck said this is covered under two areas. The City has pursued this under the City's general offense code. If we continue under this, the Police could issue a citation or warning to these residents. The City could also address this through the property maintenance process. The dead trees would be labeled as a nuisance through the Property Review Commission. If this occurs, the City would cut the trees down and the cost would be assessed to the property taxes. Council agreed to have the Police issue a warning to these residents and let them know that the City will be taking action on this.

Mr. Schlagheck said the Plantation Trail project will start on September 19th. This will replace the culvert bridge between Bellemeade and Hillcrest drives. It will take approximately eight weeks.

Mr. Schlagheck said that last night, residents of Bellbrook received a call about a boil advisory. It did not affect Bellbrook water. He is working with Central Dispatch, Greene County Sanitary Engineer and Sugarcreek Township to make sure this does not happen again.

Lastly, Mr. Schlagheck said the next meeting will be held on October 10th.

COMMITTEE REPORTS

Service: No report

Safety: No report

Finance/Audit: No Report.

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Community Affairs: Mrs. Middlestetter made a motion to appoint Dana Duckro to serve on the Village Review Board with a term that expires 12-31-17. Mr. Edwards seconded the motion. The Clerk called the roll: Mrs. Middlestetter, yes; Mr. Edwards, yes; Mrs. Seger-Lawson, yes; Mr. Schweller, yes; Mayor Baird yes. The motion passed 5-0.

OLD BUSINESS-

NEW BUSINESS-

Ohio Division of Liquor Control Notice-The City was sent a notice of a change of ownership in a local business that has a liquor license. Council did not have any objections.

A motion was made by Mr. Schweller to appoint Mr. Darryl McGill to City Council, effective 10-1-16 to fill the unexpired term that expires on 12-31-19. Mrs. Middlestetter seconded the motion. The Clerk called the roll: Mr. Schweller, yes; Mrs. Middlestetter, yes; Mr. Edwards, yes; Mrs. Seger-Lawson, yes; Mayor Baird, yes. The motion carried 5-0.

A motion was made by Mr. Edwards to accept the resignation of Darryl McGill from the Board of Zoning Appeals, effective 9-28-16. Mrs. Seger-Lawson seconded the motion. The Clerk called the roll: Mr. Edwards, yes; Mrs. Seger-Lawson, yes; Mrs. Middlestetter, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion carried 5-0.

Mr. Schlagheck said that now we have an opening on the Board of Zoning Appeals and he asked Council if they wanted to reach out to the candidates that applied for the vacancy on Council. Council agreed and Mr. Schlagheck said an email will be sent out to those people letting them know about the vacancy.

OPEN DISCUSSION

Mrs. Middlestetter said she was pleased to see the new construction starting at 79 West Franklin St. Mr. Schweller congratulated the Beautification Award winners.

ADJOURN

Being no further business to come before this regular session of the Bellbrook City Council, Mayor Baird declared the meeting adjourned at 8:10 pm.

Robert L. Baird, Mayor

Jami L. Kinion, Clerk of Council