

# RECORD OF PROCEEDINGS

Minutes of Bellbrook City Council Meeting

November 27, 2017

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

This is a summary of the City Council meeting held on Monday, November 27, 2017. 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 work session and regular meeting minutes of November 13, 2017, Mayor Baird declared the minutes approved as written.

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

Joe Braden, Regional Representative for the Auditor of State, was at Council to present the Auditor of State Award for the 2016 financial report to City Manager/Finance Directory, Mark Schlagheck. Mr. Braden said the State Auditor's Office audits about 6,000 entities and less than ten percent of those entities are eligible for this award. Mayor Baird thanked Mr. Braden for coming to present this award tonight. He also wanted to reiterate the Mr. Schlagheck serves as both City Manager and Finance Director. This is unique and saves the residents money. Mayor Baird and Council thanked Mr. Schlagheck.

## **PUBLIC HEARING OF ORDINANCES**

Mrs. Seger-Lawson **read Ordinance 2017-11** An Ordinance Amending Chapter 1454 "Registration of Abandoned Properties" of the Bellbrook Municipal Code. Currently a violation of this Code section incurs a penalty of a criminal misdemeanor. The amendment eliminates the criminal penalty and adds a civil penalty. In most cases, abandoned properties are held by banks and criminal prosecution is difficult. Civil penalties for non-compliance will be easier to enforce.

Mr. Greenwood asked if any existing issues would be grandfathered into this. Mr. Schlagheck replied any existing issues would not be subject to civil penalties until there is a new offense. Being a public hearing Mayor Baird opened up for public comment. Seeing no comments from the public, the Mayor closed the public hearing and asked for a motion.

Mrs. Seger-Lawson made a motion to **adopt Ordinance 2017-11**. Mr. McGill seconded the motion. The Clerk called the roll. Mrs. Seger-Lawson, yes; Mr. McGill, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion carried 7-0.

## **INTRODUCTION OF ORDINANCES**

Mr. McGill **read Ordinance 2017-12** An Ordinance Amending Chapter 1010 "Curb Cuts" of the Bellbrook Municipal Code. The amendments modify the process for obtaining a permit for a new or expanded curb cut. The Chief of Police is no longer the primary point of contact for the application.

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The process will now be handled through the regular zoning process in the Administrative Office. The Police Chief and Service Director will be consulted as needed.

Mr. McGill made a motion to **introduce Ordinance 2017-12**. Mrs. Middlestetter seconded the motion. The Clerk called the roll. Mr. McGill, yes; Mrs. Middlestetter, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mrs. Seger-Lawson, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion carried 7-0.

Mr. Edwards **read Ordinance 2017-13** An Ordinance Amending Ordinances 2016-14 and 2017-6 to Adjust the City of Bellbrook Appropriations for 2017 to Reflect Additional Costs in some Line Items and Reduced Costs in other Line Items. The ordinance reflects the changes reviewed with Council during the budget process. The majority of the change is the deferment of over one million dollars that was set aside for the Upper Hillside Dr. water main improvement project. The project is currently out for bid and will go under contract in 2018.

Mr. Edwards made a motion to **introduce Ordinance 2017-13**. Mr. Schweller seconded the motion. The Clerk called the roll. Mr. Edwards, yes; Mr. Schweller, yes; Mr. Greenwood, yes; Mr. McGill, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Mayor Baird, yes. The motion carried 7-0.

Mr. Schweller **read Ordinance 2017-14** An Ordinance Approving the Appropriations of the City of Bellbrook for Fiscal Year Ending December 31, 2018. The ordinance summarizes the budgets that have recently been reviewed with Council. Mr. Schweller said the 2018 budget will be presented at the December 11<sup>th</sup> Council meeting.

Mr. Schweller made a motion to **introduce Ordinance 2017-14**. Mr. Edwards seconded the motion. The Clerk called the roll. Mr. Schweller, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mr. McGill, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Mayor Baird, yes. The motion carried 7-0.

## **RESOLUTIONS**

Mr. Greenwood **read Resolution 2017-EE** A Resolution Establishing the Fees Charged for Emergency Medical Transport Services. This resolution establishes the fees charged for Emergency Medical Service Transports. Beginning January 1, 2018, the City will use AccuMed for EMS transport billing. AccuMed reviewed the City's current rate structure and recommended the addition of Basic Life Support and Advanced Life Support non-emergency rates. The other rates are unchanged. Mayor Baird said that Bellbrook does soft billing which means a resident's insurance would be billed for any EMS services. This helps offset the expense of the service.

Mr. Greenwood made a motion to **adopt Resolution 2017-EE**. Mr. McGill seconded the motion. The Clerk called the roll. Mr. Greenwood, yes; Mr. McGill, yes; Mr. Edwards, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion carried 7-0.

Mr. Edwards recused himself from voting and any discussion on **Resolutions 2017-FF**.

Mrs. Middlestetter **read Resolution 2017-FF** A Resolution Authorizing Robert Baird, Mayor of the City of Bellbrook, and Michael Schweller, Deputy Mayor of the City of Bellbrook, to Execute an Officer's

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Certification for KeyBank. KeyBank offers a purchasing card program that the City plans to use. To complete the required documentation, the Officer's Certification is required.

Mrs. Middlestetter made a motion to **adopt Resolution 20107-FF**. Mrs. Seger-Lawson seconded the motion. The Clerk called the roll. Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Mr. Greenwood, yes; Mr. McGill, yes; Mr. Schweller, yes; Mayor Baird. The motion carried 6-0.

## **CITY MANAGER REPORT**

Mr. Schlagheck provided Council with additional information on medical marijuana. Currently, people are seeking licenses for dispensaries. Four applications are listed for Greene County, but specific locations are not provided. Mr. Schlagheck said within the law dispensaries cannot be within five hundred feet of schools, churches, public libraries, public play grounds, public parks. The City may also adopt an ordinance to prohibit dispensaries. Mr. Schlagheck wanted to provide Council with a sense of where a dispensary could be located. No dispensaries could be located in the downtown area. The only potential area would be at the west end of town located in a couple of shopping complexes. If Council wanted to restrict this area, legislation could be passed to prohibit dispensaries all together. Mr. Schlagheck also said that the Zoning Code does not address this and it would just be a retail operation. Mr. Schlagheck asked Council how they wanted to proceed.

Mr. Edwards said we should just sit tight.

Mr. Greenwood, Mr McGill and Mrs. Middlestetter agreed with Mr. Edwards.

Mrs. Seger-Lawson said she is not sure what the legislation would look like. Mr. Schlagheck said it could be literally a sentence or two. Mr. Schlagheck said the licenses will be granted in September 2018 so the legislation should be in place prior to this time.

Mr. Greenwood asked if there are any anticipated problems with the dispensaries. Mr. Schlagheck said he has spoken with the Chief of Police. The Chief is not overly concerned but said there could be an increase in traffic. Mr. Schlagheck said it is a retail dispensary so there could be a risk of theft. He also said he believes it has to be a non cash business.

Mr. Schweller said he thinks it would be okay in that area of the City. He said since that is the edge of the City, he would hate to have substantial Police presence at that small segment of the city. Mr. Schweller asked if anyone has done moratoriums. Mr. Schlagheck said a lot of communities have done moratoriums and/or outright bans. Mr. Schweller asked what Centerville has done. Mr. Schlagheck said Centerville had a moratorium and Washington Township has prohibited it all together. Mr. Schlagheck said in most cases when you pass a law, you have to be careful in what you can restrict. The State did local governments a favor because local governments are able to ban it all together.

Mrs. Seger-Lawson said she would be concerned with increased traffic, police presence and burglaries. She said she does not want that for her community.

Mr. Schweller asked about the size of the dispensaries. He thought they would have to provide a large foot print. Mr. Schlagheck said that the owners of the buildings would have to approve of the dispensaries being in their building. Mr. Schlagheck further read that the site will need to be more than a store front. It would have to provide a lot of different areas to accommodate the dispensaries needs.

Council concluded it is not likely that a dispensary would be coming to the area. Council agreed not to move forward with any legislation.

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Next, Mr. Schlagheck had additional information about lowering the voting age. Joey Derrico and Drew Ward came to the last Council meeting to present this request to Council. Mr. Schlagheck contacted the Board of Elections and was told they would need to modify their software to accommodate this. Since they would only be able to vote on City of Bellbrook issues, they would have a paper ballot. Mr. Schlagheck also contacted the Secretary of State's Office and was told they would not do anything with the request. The Village of Granville was also contacted because a similar request was presented to their Council. They told Mr. Schlagheck that their research concluded that a Charter Amendment would need to be done. Mr. Schlagheck is also waiting on a legal opinion from the Municipal Attorney. It is Mr. Derrico's desire to have a Charter Amendment proposed on the May 8<sup>th</sup> ballot. He will be graduating from high school and would like to have it in place. The paperwork would need to be filed by February 7<sup>th</sup>. Mr. Schlagheck asked Council for their input.

Mayor Baird said he would not want to fast track this. He said it is unlikely that he would support this. He said we have enough issues with residents not getting information or not pursuing information and going to the ballot box.

Mr. Edwards would be in favor of moving this along. He does not see anything negative in this.

Mr. Greenwood is in favor of lowering the voting age. He said it might be a good way to get people interested.

Mr. McGill is also in favor but says we have other issues on our plate that might take precedence over this matter.

Mrs. Middlestetter said she would like to see it ready for the May 8<sup>th</sup> ballot.

Mrs. Seger-Lawson is not for it. She said kids under 18 don't have a good sense in what their vote means and how it would impact the city. She is glad they are interested in it though.

Mr. Schweller does not want to fast track this either. The next meeting on December 11 is a presentation of the 2018 budget. He said that will be a critical meeting and the budget will be the focus of that meeting.

Council concluded they want to get the legal opinion from the Municipal Attorney and to not move forward with putting this on the ballot in May.

Mr. Schlagheck said on Friday December 15<sup>th</sup>, State Representative Rick Perales has scheduled an Open House and review of the State Capital Budget from 1:00 to 3:00 pm in Council Chambers.

Lastly, Mr. Schlagheck said the Upper Hillside Water Main Improvement is out to bid. The bid opening date is scheduled for December 12<sup>th</sup>. Construction is scheduled for the summer of 2018.

## **COMMITTEE REPORTS**

**Service:** Mrs. Seger-Lawson reminded residents to not rake their leaves into the streets. She also wanted to remind residents not to park in the street during a snow event so the streets can be cleared.

**Safety:** No Report.

**Finance/Audit:** Mr. Schweller wanted to congratulate Mr. Schlagheck for the award tonight. He said the whole audit process takes a lot of detailed knowledge and patience. He congratulated Mr. Schlagheck and his staff.

**Community Affairs:** Mrs. Middlestetter said that Christmas in the Park is December 9<sup>th</sup> from 5:00 to 7:00 pm in Bellbrook Park

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**OLD BUSINESS-**

**NEW BUSINESS** The City received a notice from the Ohio Division of Liquor Control for an Application for a Change of LLC Membership Interests. Council did not have any objections

**OPEN DISCUSSION:**

Mr. Greenwood thanked Mr. Schlagheck for the work he does on the budget. He said it is presented in a way that makes it easy to understand.

Mr. McGill, Mrs. Middlestetter and Mrs. Seger-Lawson congratulated Mr. Schlagheck for the audit award.

Mr. Schweller said the 2018 budget will be approved at the next meeting on December 11th. He said we consistently get the budget passed without an emergency ordinance.

**ADJOURN**

Being no further business to come before this regular session of the Bellbrook City Council, Mayor Baird declared the meeting adjourned at 8:06 pm.

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Robert L. Baird, Mayor

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Jami L. Kinion, Clerk of Council