

RECORD OF PROCEEDINGS

Minutes of Bellbrook City Council Meeting

October 10, 2016

PRESENT: Mr. Nick Edwards
Mr. Forrest Greenwood
Mr. Darryl McGill
Mrs. Elaine Middlestetter
Mrs. Dona Seger-Lawson
Mayor Baird

ABSENT: Deputy Mayor Mike Schweller

Mr. Schweller was absent. **Mrs. Middlestetter moved to excuse Mr. Schweller.** Mrs. Seger-Lawson seconded the motion. The Clerk called the roll: Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mr. McGill, yes; Mayor Baird. The motion carried 6-0.

This is a summary of the City Council meeting held on Monday, October 10, 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 September 12, 2016** Mayor Baird declared the minutes approved as written.

MAYOR'S ANNOUNCEMENTS/SPECIAL GUEST

Mayor Baird swore in new Council member Mr. Darryl McGill. Mr. McGill is filling an unexpired term which expires on December 31, 2019. The Mayor and Council congratulated Mr. McGill.

Mayor Baird read a Proclamation that declares October "Domestic Violence Awareness Month".

Mr. Jeff Brock, President of Greene Medical Foundation, came to Council to give an update on the two hospitals that serve Greene County and a renewal levy to support Greene Memorial Hospital that is on the ballot for November 8th.

INTRODUCTION OF ORDINANCES

Mr. Greenwood **read Ordinance 2016-11.** An Ordinance approving an addendum to the Solid Waste and Recyclable Material Collection and Disposal Contract with Rumpke of Ohio, Inc. This ordinance will allow for a one year extension of the contract with Rumpke of Ohio. The price for 2017 will be \$13.11 per customer per month. It is a slight increase from \$12.86. Mr. Schlagheck said that Rumpke provides good service and the City receives very few complaints from residents. Mr. Schlagheck also said due to how the contract was written in 2012, the City is getting \$.30 per customer fuel credit due to the lower gas prices. Therefore the rate charged to the customers will not need to be changed. This is the final extension that can be executed and bids will be solicited in 2017 for 2018 and beyond. Mrs. Seger-Lawson asked Mr. Schlagheck about the \$.83 per unit generation fee adjustment factor that is in the addendum. Mr. Schlagheck said this fee is a result of the contract which includes

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jurisdictions in multiple counties with varying disposal fees. This ordinance will be set for public hearing to be held at the October 24th meeting.

Mr. Greenwood made a motion to introduce Ordinance 2016-11. Mr. Edwards seconded the motion. The Clerk called the roll: Mr. Greenwood, yes; Mr. Edwards, yes; Mr. McGill, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Mayor Baird, yes. The motion carried 6-0.

RESOLUTIONS

Mrs. Middlestetter read **Resolution 2016-EE.** A Resolution Authorizing the City Manager to Enter into a Contract with the Ohio Department of Transportation for Bridge Inspection Program Services. ODOT provides these bridge inspections services at no cost to the City. The City last approved this contract in 2014. There are seven bridges in Bellbrook that are covered under this service.

Mrs. Middlestetter made a motion to adopt Resolution 2016-EE. Mr. McGill seconded the motion. The Clerk called the roll: Mrs. Middlestetter, yes; Mr. McGill, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mrs. Seger-Lawson, yes; Mayor Baird, yes. The motion carried 6-0.

CITY MANAGER REPORT

Mr. Schlagheck presented a summary of past discussions regarding chickens in Bellbrook. The last time this was discussed was in 2013. Current regulations prohibit having chickens in residential areas. They are allowed in agricultural zoned areas greater than five acres but there is probably one parcel this applies to in Bellbrook. Plat Covenants were discussed at the last Council meeting. Mr. Schlagheck said several plat covenants from different times were pulled and most say that no livestock or poultry are allowed within the City limits. The Belleview plat covenant where the resident lives that has chickens, states that no horses, cattle, swine or any other livestock are allowed. Mr. Schlagheck said he researched what livestock was and chickens were not livestock but are poultry. Mr. Schlagheck then reviewed some regulations he thought that Council might want to consider if they did decide to change the law. These regulations include: definitions, lot size, placement of the coop, the number of chickens allowed and rooster would not be allowed. There was discussion at the last Council meeting and it was decided since Mr. Greenwood was absent and Mr. McGill was not on Council then, Council wanted to get the opinion of the other two members. The decision before Council tonight is to make no change and enforce the law or propose changes to the law and develop the language and then hold a public hearing. Mayor Baird then asked the Council members their opinion. Mr. Edwards said his opinion has not changed. He does not think chickens should be allowed within the City limits. Mr. Greenwood said he does not have a problem with chickens. He is concerned that it would be a novelty for residents. He said it is a hard job to take care of them. He also said he would like to see what the public has to say on the issue. Mr. McGill said he grew up on a farm and he agrees that they do take a lot of work. He is not in favor of having chickens in a residential area. Mrs. Middlestetter said she thinks people should be able to raise chickens with restrictions. She said with the plat covenants in place she does not think we can change the City law to overpower the plat covenants. The City cannot enforce the plat covenants. Mr. Edwards said that creates other issues and can put more burden on the residents that live in the older plats in Bellbrook. Mr. Edwards also mentioned that plat covenants are hard to change. Mrs. Middlestetter said she would like to hear what the public has to say. Mrs. Seger-Lawson said her opinion has not changed either. She does not think they belong in a residential area. Mayor Baird said he always

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goes back to the plat covenants and he says no to chickens also based upon those covenants and also the fact that the City would have to police this. He would like to hear what others have to say.

Kim Tomlinson-2007 S Linda Dr. is the resident that currently has chickens. She has started a petition and has 126 supporters in Bellbrook who have signed the petition to support having chickens. Mrs. Tomlinson obtained a copy of her plat covenant also. She also said she researched what livestock is. She found that chickens are not livestock but are domesticated fowl. Mrs. Tomlinson said her small flock does not require a lot of work. She would like this to go to the public to decide. Mr. Schlagheck said we have not had a public hearing on this because when it was brought before Council in 2013, Council voted no so there was no formal language proposed.

Alison Schulte-4175 Fowler Dr. – She said she thinks the public should tell us what they want.

Mrs. Tomlinson-2007 S. Linda Dr. She said if she does have to get rid of her chickens, she will continue to pursue this because she thinks the citizens should be heard.

Nina Herzog-255 Upper Hillside Dr.-She is concerned about the increase in wildlife.

Charles Tomlinson-2007 S Linda Dr.-He can identify with the maybes on Council. Since they have the chickens, he now enjoys them and said they do not require a lot of work for his wife.

Mayor Baird polled Council again and the majority voted no to allow chickens in Bellbrook.

Next Mr. Schlagheck spoke with Council about holiday decorations. As a result of the bicentennial celebration, the City now has the option to have holiday banners. Council agreed it was a good idea to get holiday banners to replace the snowflake lights.

Mr. Schlagheck said that Halloween will be on Monday, October 31st from 6-8 pm. Most of the surrounding communities will have it that evening also.

At the next Council meeting on October 24th the budget process will begin. There will be a work session before the regular meeting with the Police Chief and Fire Chief to review their budgets for 2017.

Mr. Schlagheck next talked about the Planation Trail project. The bridge has been removed and the sanitary line was inspected for any repairs. Now they will begin to set the structure back in and get it ready to be paved.

COMMITTEE REPORTS

Service: Mrs. Seger-Lawson wanted to remind residents that they should not rake leaves into the streets. It clogs the drains and it is a driving hazard. The City does not pick leaves up.

Safety: Mr. Greenwood said that the Fire Department Open House will be on Tuesday, October 12 from 6-9 pm at Fire Station No. 2. He said there is something for everyone in the family.

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Finance/Audit: No Report.

Community Affairs: Mrs. Middlestetter reminded residents that Halloween in the Park is this Saturday at the Bellbrook Community Center from 3-6 pm.

OLD BUSINESS-

NEW BUSINESS-

Council discussed the Committee openings due to Mr. Martin's resignation. Council agreed that Mr. McGill will serve on the Committees that Mr. Martin served on for the remainder of this year. The Mayor asked for a motion to appoint Mr. McGill to the Safety Committee, Community Affairs Committee and the Firefighters Dependency Fund Board.

A motion was made by Mr. Edwards to appoint Mr. McGill to the Safety Committee, Community Affairs Committee and the Firefighters Dependency Fund Board. Mrs. Seger-Lawson seconded the motion. The Clerk called the roll: Mr. Edwards, yes; Mrs. Seger-Lawson, yes; Mr. Greenwood, yes; Mr. McGill, abstained; Mrs. Middlestetter, yes; Mayor Baird, yes. The motion carried 5-0 with one abstention.

OPEN DISCUSSION

Mayor Baird heard there was some confusion on who paid for the fireworks that were held after the Lions Club Festival in August. The Mayor said it was paid for by donations and not the Lions Club.

Nina Herzog-255 Upper Hillside Dr. – She is concerned with the increase in traffic on Main St. with the new housing development. She said it can take up to twenty minutes to get out of the plat. She was wondering what could be done for the residents in the Upper Hillside area. She also said that cars will run the stop sign at Main St. and Ridgeway Rd. Mr. Schlagheck said he is aware of this and has heard it from others too. The Police are increasing their patrol in that area. Mr. Schlagheck said what we can do is make sure the traffic laws are being enforced but the City is at a loss with where Upper Hillside comes out there. He also said that today he asked our Service Director to install the portable speed board. It will be installed on N. Main St. between Big Tree and Ridgeway Rd. It will provide the City with a baseline of the number of cars traveling the area.

ADJOURN

Being no further business to come before this regular session of the Bellbrook City Council, Mayor Baird declared the meeting adjourned at 8:28 pm.

Robert L. Baird, Mayor

Jami L. Kinion, Clerk of Council