

RECORD OF PROCEEDINGS
Minutes of Bellbrook City Council Meeting
November 13, 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 13, 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 regular meeting minutes of October 23, 2017, Mayor Baird declared the minutes approved as written.

MAYOR'S ANNOUNCEMENTS/SPECIAL GUEST

Employees were recognized for their milestone years of service with the city. They each received a water bottle and gift card.

10 Years

Mark Burns, Police Department

15 Years

Brian Meade, Police Department

Cyndy Porter, Police Department

Tony Ruble, Police Department

Louie Schatzberg, Administration

20 Years

Tony Vetter, Police Department

25 Years

Steve Carmin, Police Department

Kathy Emrick, Administration

Athena Haus, Fire Department

Gregg Nartker, Fire Department

PUBLIC HEARING OF ORDINANCES

Mrs. Middlestetter **read Ordinance 2017-9** An Ordinance Amending Chapter 1224 "Subdivision Regulations" of the Bellbrook Municipal Code. Mr. Schlagheck said this ordinance will increase the amount of the cash bond required for plan review and inspection fees for new developments from 4% to 6%. He said the 4% amount has not been sufficient to cover the review and inspection costs for several projects. Developers are invoiced for any amounts due beyond the initial cash bond requirement. 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.

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Mrs. Middlestetter made a motion to **adopt Ordinance 2017-9**. 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; Mr. Schweller, yes; Mayor Baird, yes. The motion carried 7-0.

Mr. Edwards **read Ordinance 2017-10** An Ordinance Amending Article 19 "Enforcement and Penalties" of the Bellbrook Zoning Code. Mr. Schlagheck said this ordinance amends the Zoning Code to allow for civil penalties to be issued for zoning violations. This amendment is similar to the one previously approved for the property maintenance violations. He also said that this provides another option other than criminal prosecution. 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.

Mr. Edwards made a motion to **adopt Ordinance 2017-10**. Mr. Greenwood seconded the motion. The Clerk called the roll. Mr. Edwards, yes; Mr. Greenwood, yes; Mr. McGill, yes; Mrs. Middlestetter, yes; Mrs. Seger-Lawson, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion carried 7-0.

INTRODUCTION 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. This ordinance is set for a public hearing to be held at the November 27th council meeting.

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

RESOLUTIONS

CITY MANAGER REPORT

Mr. Schlagheck provided Council with a couple of options for signage for the Purple Heart City Designation. The new signs will attach to five existing entrance signs to the city. The proposed signs are similar except for the font. Council decided to go with the font that best matched the entrance signs.

Mr. Schlagheck next talked about medical marijuana. The State has awarded the sites for the cultivation of medical marijuana. None of those sites are in or around Bellbrook. Mr. Schlagheck said the next phase is the awarding of sites for dispensaries. He displayed a map of Ohio that showed the number of dispensaries in each area. Greene, Fayette and Madison counties will be allowed a total of one dispensary. Mr. Schlagheck said currently, the City does not have any restrictions relating to medical marijuana. He also said he has been getting calls from out of state people to see if Bellbrook has any restrictions on medical marijuana. Mr. Schlagheck said there are probably some restrictions in our Zoning Code but there is not an overall restriction on medical marijuana. The law that was passed

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by the State would allow the City to ban medical marijuana. Mr. Schlagheck asked Council if they would want him to pursue any restrictions on medical marijuana.

Mr. Edwards said we should look into an ordinance. He said he does not know if he would be for or against it but he thinks we need to look into it.

Mr. Greenwood said he thinks we are okay now with our current Zoning Code.

Mr. McGill said we should pursue some legislation. He also said we should see what other areas similar suited does or how their legislation is written. He agreed with Mr. Edwards comment and said he does not know if he would support it.

Mrs. Middlestetter said it warrants us to look into it further.

Mrs. Seger-Lawson said she is not for or against it. She also said she does not think that Bellbrook wants to be known for that. She further said since we don't have an income tax, would we be targeted by businesses to put their operations here. She thinks we need to look further into.

Mr. Schweller said we should look at the current Zoning Code and see if it's even permissible. Mr. Schweller also said we should explore a moratorium. He said he is not concerned about a facility or dispensary in the city but he does not want Bellbrook to be the only city that has not outlawed this and they come to Bellbrook by default.

Next, Mr. Schlagheck talked about Small Cell Facilities. Earlier this year, Council authorized the City's participation in a law suit that was challenging the validity of SB331. Small cell facilities, or wireless antennae, are the latest technology to improve the speed of cellular and data traffic for mobile devices. This bill allows the placement of these facilities in the public right of way, with virtually no local control. There was a court ruling in Franklin County that ruled that the bill was not valid. Replacement legislation is currently being drafted that is more acceptable to local governments. The attorneys are requesting an additional \$1,500 for their work. The City originally paid \$2,000. Mrs. Seger-Lawson asked if this was a one-time only request or will they ask for more in six months. Mr. Schlagheck said the intent is to draft a bill that is acceptable for everyone and then the court case will then go away. Mr. Schweller said he does not disagree that it is worthwhile but he hopes the City is getting a good bang for their buck. Council agreed to move forward with the additional funding.

Lastly, Mr. Schlagheck said the levy failed last Tuesday night by 35 votes. Council will need to make some decisions based upon information provided by Mr. Schlagheck. In two weeks, Council will conclude the 2018 budget process and, at that time, there will be a better understanding of the situation and options for the future.

COMMITTEE REPORTS

Service: Mrs. Seger-Lawson reminded residents to not rake their leaves into the streets. This could back up the storm sewer drains.

Safety: Mr. Greenwood reminded residents to make sure their smoke detectors are working properly and to change the batteries. Mayor Baird said it is a good idea to have a carbon monoxide detector too.

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Finance/Audit: Mr. Schweller said he was disappointed that the levy failed but Council will go back and look at the numbers and adjust going forward.

Community Affairs: No Report

OLD BUSINESS-

NEW BUSINESS

OPEN DISCUSSION:

Mr. Edwards congratulated the employees for their long years of service to the City.

Mr. Greenwood thanked the voters for voting in the election.

Mr. McGill also thanked the voters for exercising their right to vote. He also wanted to thank Mr. Ralph Harper who is a Bellbrook resident that stepped forward to be the Treasurer for the Levy Committee.

Mrs. Middlestetter thanked the voters but also wanted to express disappointment that the issues were not fully understood.

Mrs. Seger-Lawson wanted to congratulate several middle and high school sports teams for a successful fall season.

Joey Derrico-1822 Sugar Run Trail and Drew Ward-4184 Sugarcreek Dr.-They were at Council to embark on a journey to attempt to lower the voting age to 16 years of age in Bellbrook. Joey said the end goal of this is to inspire younger citizens in an effort to increase voter turnout. At a future time, they will return to Council with an ordinance for Council to consider approving. Mr. Schlagheck said he has been working with Mr. Derrico on this issue. Granville, Ohio has discussed passing legislation to lower the voting age. Mr. Schlagheck said the City could amend the voting age for city related issues only. Mayor Baird asked if the Charter could be changed without a Charter Review Committee. Mr. Schlagheck said yes, Council can pass an ordinance to amend the Charter but it would still need to go out to the people to vote. Mr. Schlagheck will do some additional research on the topic and provide further information to City Council.

Louie Schatzberg 4082 Ridgetop Dr.-Louie thanked the Council and City Manager for the opportunity to serve the City.

ADJOURN

Being no further business to come before this regular session of the Bellbrook City Council, Mayor Baird declared the meeting adjourned at 8:01 pm.

Robert L. Baird, Mayor

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Jami L. Kinion, Clerk of Council