

RECORD OF PROCEEDINGS

Minutes of Bellbrook City Council Meeting

October 24, 2016

PRESENT: Mr. Nick Edwards
Mr. Forrest Greenwood
Mr. Darryl McGill
Mrs. Elaine Middlestetter
Deputy Mayor Mike Schweller
Mayor Baird

ABSENT: Mrs. Seger-Lawson

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

This is a summary of the City Council meeting held on Monday, October 24, 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 **work session minutes and regular meeting minutes of October 10, 2016** Mayor Baird declared the minutes approved as written.

MAYOR'S ANNOUNCEMENTS/SPECIAL GUEST

Mayor Baird swore in Dana Duckro. She is filling an unexpired term on the Village Review Board that expires on 12-31-17.

PUBLIC HEARING 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 that the rate charged to the residents 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.

Being a public hearing, Mayor Baird opened up for public comments. Seeing no comments from the public the Mayor closed the public hearing and asked for a motion.

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

INTRODUCTION OF ORDINANCES

Mr. McGill read Ordinance **2016-12.** An Ordinance approving the revised City of Bellbrook Personnel Manual. Mr. Schlagheck said that each year the Personnel Manual is reviewed and changes are

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recommended. There were changes to the vacation section and also the reimbursement of expenses section. This ordinance is set for public hearing at the Council meeting on November 14th. Mr. Schweller said it looks like one of the changes is to eliminate Finance Director as a separate title and just use City Manager. It is only one position so Mr. Schweller thought it was a good idea.

Mr. McGill made a motion to introduce Ordinance 2016-12. Mr. Schweller seconded the motion. The Clerk called the roll: Mr. McGill, yes; Mr. Schweller, yes; Mr. Edwards, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mayor Baird, yes. The motion carried 6-0.

CITY MANAGER REPORT

Mr. Schlagheck said that Halloween will be on Monday, October 31st from 6-8 pm. Sugarcreek Township is observing it the same night.

Mr. Schlagheck next updated Council on the Planation Trail project. The six new box culverts were to be delivered and installed today. Five of the six box culverts are in place but the truck that was hauling the last culvert overturned this morning and damaged the culvert beyond repair. Mr. Schlagheck said he will keep Council updated on this project. The City will do what they can to re-open the road but it may not get paved before the asphalt plants close for the winter.

Mr. Schlagheck said that the Financial Statements were released by the Auditor of State for the 2015 fiscal year today. They will be available on the City's website and they will be submitted to the different agencies that require them. Mr. Schlagheck also said he will give Council a brief presentation at the next Council meeting on November 14th. Mr. Schweller wanted the residents of Bellbrook to know that they push the State Auditors hard to get the financial statements released sooner as they do not like the lag time but mostly it is out of the City's control.

COMMITTEE REPORTS

Service: No Report.

Safety: No Report.

Finance/Audit: No Report.

Community Affairs: Mrs. Middlestetter said Community Affairs is in the processing of interviewing candidates for the vacancy on the Board of Zoning Appeals. They should have a recommendation for Council at the November 14th meeting.

OLD BUSINESS-

NEW BUSINESS-

OPEN DISCUSSION-

Mayor Baird reminded residents to get out and vote on Tuesday, November 8th.

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Kim Tomlinson, 2007 S Linda Dr.- She currently has chickens and wants the City of Bellbrook to create an ordinance to allow chickens in residential areas. She has started a written petition too. She also has put together a proposed ordinance and read it aloud to Council. This was talked about in 2013 and Council voted that they did not want to move forward. Council also discussed having chickens at the last meeting on October 10th and the majority voted not to allow chickens.

Mayor Baird said that Mr. Schweller was not here and he wanted to know his thoughts. Mr. Schweller said he would have to vote against having chickens. He has been contacted by several residents. One resident did want chickens but others did not want chickens, so he would stand with the people and say no to allowing chickens.

Mr. McGill said he visited the property at 2007 S. Linda Dr. He has done research since the last meeting. He noted several studies about whether there is coexistence between chickens in a residential area and non-chickens in a residential area. Many of the items that Mrs. Tomlinson read aloud were discussed in the studies but Mr. McGill said that what stands out to him is the issue of how the area is zoned. Mr. McGill told Mrs. Tomlinson while he can sympathize with her he cannot vote on allowing chickens.

Mayor Baird did say he received an email from someone that was in favor of having chickens. He also said about eight other residents he spoke with were opposed to having chickens. The Mayor said he goes back to the plat covenants that say chickens are not allowed. The Mayor further said he does not want the City to be in the middle of neighbor disputes.

Kim Tomlinson-2007 S. Linda Dr. asked Council how the plat covenants affected the keeping of bees when they approved the ordinance. The Mayor said he does not think the plat covenants list bees. Mr. Schlagheck also said he does not think the discussion of plat covenants came up when they were discussing bees.

Mr. Schweller said he talked with a resident that was concerned about plat covenants and the comment the resident said was Council will act on this and they will have to end up suing their neighbor over this. Mr. Schweller said he does not think the City wants to use their resources to chase these down either. Mrs. Tomlinson said if it is not the City's law then the City would not be in charge of enforcing it. Mr. Schweller replied to that and said the City would be in charge of any violations. Mrs. Tomlinson again asked Council that she would like to request a public hearing to hear what the residents have to say. Mayor Baird said he does not think the vote has changed.

Francoise Ullrich-2384 S. Linda Dr.- She wants Council to know that several young families have moved into their neighborhood and they are bringing a different feel to the area. She also said that young families have different priorities. She does support having chickens.

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Louie Schatzberg-4082 Ridgetop Dr. His concern is putting code in place that allows residents to have chickens and then the chickens are not cared for properly. He said that chickens do not belong in the city.

Nina Herzog-255 Upper Hillside Dr. She is concerned with having six chickens on a half-acre lot. She also is concerned with the increase in wildlife and the safety of children.

Kim Tomlinson-2007 S. Linda Dr. She said that generally chickens only require one square foot of roosting space per chicken. She has not seen an increase in predators since she has had the chickens. If you are going to let them roam, you can clip a wing so they will not fly away. If this would go forward to allow chickens, it could have a one year limit and after that time, it could be evaluated. Mrs. Tomlinson said that if the plat covenants allow for chickens then the ones that say you can't have chickens should not affect the ones that can.

Francoise Ullrich-2384 S. Linda Dr. She asked Council what would change their minds on allowing chickens. What if they went door to door in their neighborhood and asked what their neighbors had to say about allowing chickens. Mayor Baird asked Council their thoughts.

Mr. Edwards asked if it would be door to door in just her neighborhood or the entire city. Francoise replied just her neighborhood initially. Francoise said if they got a positive response in her neighborhood and then reached out to other neighborhoods and got a positive response, would that change Council's mind. Mr. Edwards said he listens to all the citizens in Bellbrook on decisions like this but he does not think it would change his mind. Mr. Edwards also said that he has heard from several residents in his neighborhood and they are not in favor of having chickens.

Mr. Greenwood said he would like to hear what the public has to say.

Mrs. Middlestetter said she would like to hear what the residents have to say too. She is concerned about the plat covenants though.

Mr. McGill said he did give Mrs. Tomlinson the benefit of the doubt but he does have a concern about the plat covenants. In his Home Owners Association, chickens are not allowed. He said it should not be the Home Owners Association that would pay to change the plat covenants but it should be the person that wants the chickens. Mr. McGill said it could be a viable expense to have the plat covenants changed.

At 7:42, a motion was made by Mr. Edwards to adjourn to executive session to discuss the purchase of property. Mr. McGill seconded the motion and the Clerk called the roll: Mr. Edwards, yes; Mr. McGill, yes; Mr. Greenwood, yes; Mrs. Middlestetter, yes; Mr. Schweller, yes; Mayor Baird, yes. The motion carried 6-0.

Council exited executive session at 8:16 to resume the regular session of City Council.

ADJOURN

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Being no further business to come before this regular session of the Bellbrook City Council, Mayor Baird declared the meeting adjourned at 8:18 pm.

Robert L. Baird, Mayor

Jami L. Kinion, Clerk of Council