LEBANON
historic charm. reimagined.

Minutes for the Lebanon City Council Meeting
May 24, 2022
7:00 p.m. 50 S. Broadway, Lebanon, Ohio

Council of the City of Lebanon met in regular session in the Council Chambers at the City Building. The meeting was called to order at 7:00 p.m. on May 24, 2022, with the following members present Mayor Messer, Vice Mayor Mathews, Mr. Cope, Mrs. Eggers, Mr. Lamoreaux, Mr. Norris, and Mr. Sellers. Present from the City Staff was Manager Scott Brunka, Attorney Mark Yurick, and Auditor / Clerk Dan Burke.

Mr. Norris gave the invocation. The Pledge of Allegiance recited.

Consideration of Council Meeting Minutes: April 26, 2022
Mr. Cope made a motion to adopt the minutes, seconded by Mr. Norris. Roll call vote was approved unanimously.

Consideration of Work Session Meeting Minutes: April 18, 2022
Mr. Sellers made a motion to adopt the minutes, seconded by Mrs. Eggers. Roll call vote was approved unanimously.

Dave McCandless – Congressman Chabot's Office
Mr. McCandless has worked for Congressman Chabot since 2011 at the Lebanon Office since 2013. Their primary role is community outreach and constituent services with federal agencies. He works frequently with small businesses, local governments, and the local schools. Office hours are between 9:00 a.m. to 5:00 p.m. M-F and the local phone number is (513) 421-8704. Email inquiries are also welcome. Mayor Messer thanked Mr. McCandless for his accessibility and involvement in the community.

Proclamation for Pro Life Day
Mayor Messer introduced retired Lebanon Mayor Amy Brewer. Mayor Messer read the proclamation and presented it to Amy Brewer. Mrs. Brewer thanked all the council members and visitors who supported the Sanctuary City for the Unborn legislation last year. She knows that everyone didn't agree on that issue, but she hopes that everyone in Lebanon will move forward in a positive way. Mayor Messer thanked Amy Brewer and former council member Joe Shafer who also attended the meeting.

Recognition of Visitors

Mayor Messer reminded everyone that he will preside over an orderly, respectful meeting this evening. Mr. Yurick read section 4 of the Council Rules concerning the types of comments that are

appropriate and the types of comments that are not appropriate during this meeting. Everyone is welcome to speak but must be respectful, personal attacks have no place in a professional meeting.

The following visitors spoke in favor of the Sanctuary City for the Unborn Ordinance and Pro-Life Day Proclamation: Margie Murray, Laura Strietmann from Cincinnati Right to Life, Peter St. Jean, Breighton Smith, Kathy Grossman, Joshua Beckmann, Liza Sizemore, and Mark Lee Dickson from Right to Life of East Texas.

Mr. Brunka clarified that a Safe Haven Baby Box has been ordered and will be installed at the city's new fire station this summer.

The following visitors spoke in opposition to the Sanctuary City for the Unborn Ordinance and Pro-Life Day Proclamation: Maggie Scotcese from Women Have Options Ohio, Reverend Terry Williams from Chillicothe, Emily Morgan, Reverend Cory Wagonfield a Pastor in Lebanon, Elena Thompson from ACLU of Ohio, Amy Childers, Karen Kopack, Jeni Keeler, Joy Bennett, Laura Alesi, Sam Cao, Anita Burton Heck, Leslie Nahigyan, Alicia Lipton, Susie Lirthman, Lauren Simpson, Mackenzie Morrow, and Julie Womack.

Peter St. Jean also spoke against the expansion of Medical Marijuana in Lebanon. Amy St. Jean asked two questions about the Medical Marijuana changes. Mr. Cope clarified that this is not a question-and-answer session and City Council members are available to discuss the issue individually at Mrs. St. Jean's convenience.

Public Hearing – Amendments to the Zoning Code regarding short-term rentals and the creation of a Central Residential District. AND:

Public Hearing: Considering a map amendment rezoning certain properties from RI-U to Central Residential District (CRD)

At 8:39 p.m. Vice Mayor Mathews made a motion to open the combined public hearing, seconded by Mr. Norris. Roll call vote was approved unanimously. Mr. Brunka stated that the purpose is to rezone properties adjacent to downtown from Residential One Urban (R-1U) to Central Business District (CRD). The concept was recommended by the Envision Lebanon Comprehensive Plan. The subject properties are a mix of institutional buildings, places of worship, community services, and residential properties. A public meeting was held with the neighborhood property owners on March 9, 2022. The feedback from the meeting led staff to create a new zoning district known as the Central Residential District (CRD). The CRD will conditionally permit many of the uses that property owners sought including office and short-term rentals, while eliminating less-desirable uses such as bars. The new CRD allows non-owner-occupied short-term rentals, with specific regulations, as well as other compatible uses as Conditional Uses. City Council also determined that the text amendments on short-term rentals should run concurrently with the CRD map amendment process to make sure all aspects of the topic were addressed comprehensively. Mr. Brunka showed a current zoning map of the area and a zoning map with the proposed CRD recommendations. The recommended changes included a lot of public input.

The text amendments focused on short-term rental allowances and restrictions. Owner-occupied and non-owner-occupied short-term rentals are currently permitted in the Central Business District only. The proposed amendments would permit the same short-term rental parameters in the Central Residential District. Some of the use-specific regulations include:

- Owners cannot remodel or structurally alter a building to prevent the building from being used as a residence in the future. This includes adding more parking spaces, paving required setbacks, and adding commercial exterior lighting
- New homes cannot be constructed in a way that is intended for rental to short-term guests.
- No more than 25% of units in multi-family buildings can be used for short-term rentals.

Staff confirmed that these amendments are consistent with the zoning code. The Planning Commission recommends the text amendments while recommending that the "full property (unhosted) short-term rental permitted up to 90 days a year" clause be removed.

Nobody from the public spoke.

Vice Mayor Mathews asked if removing the 90-day provision meant that there is no limitation. Mayor Messer confirmed that is the case and he supports the 90-day limitation. Mr. Lamoreaux attended the meeting and appreciates all the feedback that was provided. This is a good step to accommodate visitors who do not currently have a local hotel option. He also supports the 90-day limitation. Mr. Brunka confirmed that the 90-day restriction is in the proposed legislation. At 8:50 p.m. Vice Mayor Mathews made a motion to close the Public Hearing, seconded by Mr. Sellers. Roll call vote was approved unanimously.

Regular Items

Ordinance 2022-068 – Extending a moratorium for a period of 120 days on the granting of new permits allowing retail dispensaries, cultivators, and processors of medical marijuana within the City of Lebanon and Declaring an Emergency was read in title only by Mr. Yurick. Mr. Brunka stated that this ordinance imposes a 4-month moratorium on new permits for medical marijuana retail dispensaries, cultivators, and processors. This is an extension of a previous moratorium passed January 11, 2022 to allow the City more time to review and make recommendations for the zoning code which will conform to the City's goals. Mr. Cope made a motion to adopt Ordinance 2022-068, seconded by Mr. Sellers. Roll call vote was approved unanimously.

Previous Business

Ordinance 2022-058 – Approving amendments to the Zoning Code Text as it relates to regulating Medical Marijuana was read in title only by Mr. Yurick. Mr. Brunka stated that Ordinance approves amendments to Chapters 1133 and 1142 of the Official Zoning Code as recommended by the Planning Condition for the regulation of medical marijuana. Mr. Yurick suggested that City Council TABLE this ordinance until more information is gathered during the medical marijuana moratorium period. Vice Mayor Mathews made a motion to TABLE Ordinance 2022-058, seconded by Mr. Sellers. Roll call vote to table the ordinance was approved unanimously.

Ordinance 2022-059 – Approving the purchase of deicing road salt from Cargill Inc. Deicing Technology as bid by the Warren County Engineers Office salt purchasing co-op program was read in title only by Mr. Yurick. Mr. Brunka stated that this ordinance authorizes the purchase of road salt

at the cost of $89.05 per ton from Cargill Inc. Deicing Technology for the 2022-2023 season. Mr. Lamoreaux made a motion to adopt Ordinance 2022-059, seconded by Mr. Norris. Roll call vote was approved unanimously.

New Business

Ordinance 2022-062 – Approving amendments to the Zoning Code text as recommended by the Planning Commission as it relates to regulating short term rentals and establishing a Central Residential Zoning District was read in title only by Mr. Yurick. Mr. Brunka stated that this ordinance approves amendments to the Zoning Code to regulate short-term rentals in residential districts including short-term rental use-specific regulations, as well as establishing a new Central Residential District as recommended by the Lebanon Comprehensive Plan. Mr. Sellers made a motion for a first reading of Ordinance 2022-062, seconded by Mr. Lamoreaux.

Ordinance 2022-063 – Approving a map amendment as recommended by the Planning Commission to rezone certain properties from RI-U to Central Residential District (CRD) was read in title only by Mr. Yurick. Mr. Brunka stated that this ordinance modifies the Zoning Map amendment to rezone properties located at New Street and North Mechanic Street and Warren Street & Cherry Street from Residential One-Urban (R-1U) to Central Residential District (CRD) as recommended by Planning Commission. Mr. Lamoreaux made a motion for a first reading of Ordinance 2022-063, seconded by Mr. Sellers.

Ordinance 2022-064 – Approving Pratt Final Plat which establishes right of way along Orchard Avenue as recommended by the Planning Commission and Declaring an Emergency was read in title only by Mr. Yurick. Mr. Brunka stated that this ordinance approves the final plat, combining two parcels at 147 E. Orchard Avenue, creating a single lot of record, and establishing right of way and utility easements along Orchard Avenue as required by the Warren County Map Room. Mr. Cope made a motion to adopt Ordinance 2022-064, seconded by Vice Mayor Mathews. Roll call vote was approved unanimously.

Ordinance 2022-065 – Approving a construction contract with KT Supply in the amount of $138,807 for the construction of a cul-de-sac on Grant Drive and Declaring an Emergency was read in title only by Mr. Yurick. Mr. Brunka stated that this ordinance approves the construction contract for a new cul-de-sac on Grant Drive that was part of the property exchange agreement with Fecon to allow for the construction of the Columbia Road sanitary booster station (Ord 2022-017). The cul-de-sac will support the integration of two separate properties currently owned and utilized by Fecon for their manufacturing operation. Mr. Sellers made a motion to adopt Ordinance 2022-065, seconded by Mr. Cope. Mr. Cope thanked city staff for their efforts to coordinate this project. Roll call vote was approved unanimously.

Ordinance 2022-066 – Approving the redemption of $1,765,000 of Road Improvement Bonds and Declaring an Emergency was read in title only by Mr. Yurick. Mr. Brunka stated that this ordinance approves the redemption of $1,765,000 of Road Improvement Bonds to be paid using available funds held in the City's General Fund as budgeted for in the 2022 Operating Budget. Vice Mayor Mathews made a motion to adopt Ordinance 2022-066, seconded by Mr. Sellers. Roll call vote was approved unanimously.

Ordinance 2022-067 – Establishing an Energy Special Improvement District Fund and Declaring an Emergency was read in title only by Mr. Yurick. Mr. Brunka stated that this ordinance approves the establishment of an Energy Special Improvement District Fund to allow for tracking the related revenue and expenses of a new program that permits the property owner to finance the cost of the approved project by imposing a special assessment on their property taxes. Vice Mayor Mathews made a motion to adopt Ordinance 2022-067, seconded by Mrs. Eggers. In response to a question from Mr. Norris, Mr. Brunka stated that the city is now promoting this new economic development opportunity to existing business owners and prospective new business owners. Roll call vote was approved unanimously.

Resolution 2022-069 – Appointing Isaac Wiles & Burkholder, LLC to represent the City of Lebanon, Ohio regarding a civil complaint brought against the City and various officials and Declaring an Emergency was read in title only by Mr. Yurick. Mr. Brunka stated that this ordinance approves the appointment of Isaac Wiles & Burkholder, LLC to represent the City of Lebanon, Ohio regarding a civil complaint brought against the city and various officials by the National Association of Social Workers and Women Have Options, Inc. related to legislation declaring the City of Lebanon a sanctuary city of the unborn. Mr. Yurick stated that former Texas Solicitor General Jonathan Mitchell will also be representing the city's interests during this process. Mr. Sellers made a motion to adopt Resolution 2022-069, seconded by Mr. Norris. In response to a question from Mr. Lamoreaux, Mr. Yurick stated that the lawsuit would change considerably if the Supreme Court overturns the Roe v. Wade decision. Any future state law would supersede the city ordinance where this topic is involved. Roll call vote was approved unanimously.

Ordinance 2022-070 – Authorizing the City Manager to execute a Settlement Agreement and Mutual Release with Campbell Berling Development Company, LLC and CB Lebanon, LLC and Declaring an Emergency was read in title only by Mr. Yurick. Mr. Brunka stated that this ordinance approves the execution of a settlement agreement between the City of Lebanon and Campbell Berling Development Company, LLC & CB Lebanon, LLC to resolve a dispute about the type of backfill required for sanitary sewer infrastructure beneath roadways. Mr. Cope made a motion to adopt Ordinance 2022-070, seconded by Mr. Sellers. Roll call vote was approved unanimously.

General Discussion Topics

City Manager's Report
There is no City Council meeting scheduled next week.

Mr. Sellers believes that a primary role of government is to protect all citizens from violence regardless of age, race, or creed. He is proud to support the Pro-Life Day Proclamation. Many of the visitor comments this evening concerned matters in other communities. Mr. Sellers isn't concerned with elections in other communities, the Lebanon voters spoke clearly in November of 2021, and they support Pro-Life initiatives. Mr. Lamoreaux appreciates the Baby Box; his grandmother was dropped off on a doorstep in the 1920's. He thanked his City Council colleagues for their leadership on Pro-Life issues. Mr. Norris stated that abortion is awful, and he is proud that this City Council continues to stand for the most vulnerable individuals in the city. He is very proud of the City Council that approved the Sanctuary City for the Unborn legislation last year. Those individuals knew that their decision would be scrutinized but they put that aside and made the right decision for Lebanon. The City of Lebanon is a unique place, and the voters support the values and

principles that City Council and retired Mayor Brewer outlined in the Pro-Life Day Proclamation. He thanked all the Pro-Life supporters who attended the meeting this evening.

Vice Mayor Mathews stated that the school shooting in Texas earlier today was an atrocity. He thanked former Mayor Brewer and former City Council members Monroe, Shope, and Shafer for the courage and leadership shown during the Sanctuary City for the Unborn deliberations last year. He is working with the City Manager to benchmark parental leave so city employees can spend time with their newborn children. Vice Mayor Mathews continues to support the Baby Box installation and the Pro-Life organizations in Lebanon. He thanked everyone who continues to work with mothers, children, and families throughout the community. Main Street Lebanon is accepting applications for the Independence Day Parade, everyone is welcome to participate. The V.F.W. Parade is scheduled for Memorial Day. He congratulated all the local high school graduates and the LebanESPY award winners. Mr. Cope recognizes that abortion is a divisive issue, but he believes that Pro-Life is the clearly the correct choice. Abortion is available throughout the State of Ohio, and he is proud that it is not an option in Lebanon. He thanked Family Ministries for the work they are doing at the Shaker Inn with single mothers. A lot of single mothers need help in Lebanon and there are many ways to help with donations of time or resources.

Mrs. Eggers stated that she is very proud to be a part of this City Council. The medical marijuana moratorium is simply and extension of time to gather more information. Over time many classifications of people have been looked at as unhuman and treated poorly based on that opinion. This includes Native-Americans, African Americans, Jews, and Unborn Babies. Ultrasound technology has helped dispel any scientific arguments that unborn babies are not human. Mrs. Eggers has experienced several difficult pregnancies and was always willing to place her baby's safety ahead of her own safety. One of her favorite quotes is: There are no accidental babies, only accidental parents." Mayor Messer thanked everyone who participated in tonight's meeting. The City of Lebanon and City Council continues to support the sanctity of life with the Baby Box installation; supporting Safe on Main, Family Promise, and Elizabeth's New Life Center; and acts of kindness for anonymous individuals who need assistance. Mayor Messer presented a Pro-Life Day Proclamation to former Council Member Joe Shafer. Mr. Burke stated that his youngest daughter will serve as Valedictorian of her Wyoming High School graduation class this weekend, a very proud moment for the family.

There being no further business to come before this Council a motion to adjourn the meeting was made by Vice Mayor Mathews, seconded by Mrs. Eggers. Roll call vote was approved unanimously. Meeting adjourned at 9:29 p.m.

Passed: June 28, 2022

Mayor

Clerk