

WEST CARROLLTON CITY COUNCIL REGULAR

April 22,

08

PRESENT: Mayor Sanner, Councilmembers Jim Bowers, Angie Fryman, Jim Folker, Jody Jones, Harold Robinson; City Manager Brad Townsend; Law Director Lori Kirkwood; Service Director Rich Norton, Director of City Planning Greg Gaines, Public Relations Coordinator Erika Mattingly, Deputy Chief Woodard, and Assistant Clerk of Council Alicia Norton.

EXCUSED: Councilmember Linda Lotspaih

The meeting was called to order by Mayor Sanner. The Pledge of Allegiance and Roll Call followed.

MINUTES

Mrs. Fryman motioned, seconded by Mr. Bowers to approve the Regular Meeting Minutes of April 8, 2008. A roll call vote was taken: Mrs. Jones –abstain, Mr. Robinson –yes, Mayor Sanner –yes, Mrs. Fryman –yes, Mr. Folker –yes, Mr. Bowers –yes.

PUBLIC HEARINGS

ORDINANCE #3384

An Ordinance approving an amendment to Section 154.10.476 (A)(5) of the Zoning Code to Permit Drive-in Restaurants Within the City Center District (by Houchens Properties representing Sonic, Inc.)

Mayor Sanner opened the public hearing. Mr. Gaines gave a brief staff presentation on the zoning amendments, and the procedures needed to pass the ordinance. Mr. Gaines indicated that Sonic had requested that the second reading of Ordinance #3384 be waived. At the conclusion of his presentation, he stated that it was the recommendation of staff and the Planning Commission that the Ordinance be approved.

Mayor Sanner opened the floor to anyone speaking in favor of approving Ordinance #3384. There were no speakers.

Mayor Sanner opened the floor to anyone speaking in opposition to approving Ordinance #3384. There were no speakers.

Mayor Sanner asked if council had any questions. Mr. Bowers asked for clarification of the difference between drive thru, drive-in and drive up. Mr. Gaines stated that drive-thru is like the beverage places where you drive through without getting out of your vehicle, drive-up is like McDonald's where you place your order and drive up to the window to get it, and drive-in is where you park your car, place your order, they bring your food and you eat it in your

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car. There were no other questions. Mayor Sanner thanked Mr. Gaines and the Planning Commission for all their work on this issue. Mayor Sanner closed the public hearing.

Mrs. Jones motioned, seconded by Mr. Bowers to dispense with the second reading of Ordinance #3384. A roll call vote was taken: Mrs. Jones –yes, Mr. Robinson –yes, Mayor Sanner –yes, Mrs. Fryman –yes, Mr. Folker –yes, Mr. Bowers –yes.

Mr. Robinson motioned, seconded by Mrs. Jones to approve Ordinance #3384. A roll call vote was taken: Mrs. Jones –yes, Mr. Robinson –yes, Mayor Sanner –yes, Mrs. Fryman –yes, Mr. Folker –yes, Mr. Bowers –yes.

COMMUNICATIONS AND PRESENTATIONS

PROCLAMATION ARBOR DAY, APRIL 25, 2008

Mayor Sanner read the proclamation naming Friday, April 25, 2008 as Arbor Day in West Carrollton.

He reminded the residents about the Arbor Day Tree Planting Ceremony that will take place at Wilson Park, Shelter #1 at 5:30 p.m. and encouraged everyone to participate.

COMMENTS BY THE AUDIENCE

Mrs. Zimmer

Here on behalf of the Historical Society and the Jacoby Chapter of the Eastern Star. She indicated that the Historical Society welcomes new members anytime. She indicated that the Historical Society would be having an open house on April 27 from 2 – 4 p.m. and they would have some Woody's memorabilia on display. She stated that the annual Victorian Tea would be on May 4. The tickets are \$8/adult and \$4/child. Please see any Historical Society member for tickets, or call 427-0766 for more information. She stated that the Historical Society would be holding a garage sale on May 10, and the Eastern Star would be having a garage sale on May 9 and May 10 from 8 a.m. – 4 p.m. at the Masonic Center.

Mr. Emerling

Stated that he had read the press release concerning the placement of red light cameras in West Carrollton, and was there to voice his protest of these red light cameras. He stated that he felt that there would be more accidents at red lights with people slamming on their brakes to avoid going through a red light and getting rear ended.

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UNFINISHED BUSINESS

None

NEW BUSINESS

ORDINANCE 3383

An Ordinance Authorizing the City Manager to Advertise for Bids for Sludge Hauling and Disposal for the West Carrollton Wastewater Treatment Plant, and to Expend a Sum in Excess of \$25,000 therefore.

Mr. Norton gave a brief staff report stating that the current contract will expire, and this is just to bid out the contract.

Ordinance #3383 was held for the second reading.

RESOLUTION #9-2008

A Resolution Authorizing the City Manager to Enter Into and Agreement with Howard Gray Resolving the Building Permit Status of 111 South Elm Street.

Mr. Gaines gave a brief update on this resolution and stated that they had reached an agreement with Mr. Gray.

Mr. Bowers motioned, seconded by Mrs. Fryman to approve Resolution #9-2008. A roll call vote was taken: Mrs. Jones –yes, Mr. Robinson –yes, Mayor Sanner –yes, Mrs. Fryman – yes, Mr. Folker –yes, Mr. Bowers –yes.

RESOLUTION #10-2008

A Resolution Designating the Need for Certain Infrastructure Improvements, Playground Equipment Replacement, and Property Acquisition and Building Demolition and Authorizing the Submittal of a Montgomery County CDBG Application Seeking Partial Funding for Same, and Authorizing the City Manager to Represent the City in Fulfilling CDBG Requirements.

Mr. Norton gave a brief staff report stating that this is for the yearly curb and gutter and drive approach repairs in the CDBG target area, and it is to finish the repairs on Cottage Avenue and Risley Drive.

Mr. Gaines gave a brief staff report stating that the former David's Flowers store is empty and for sale, the business moved in 2006. The building can now only be used as a residence, and it is difficult to convert it to a residence. He stated that we would like to

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acquire and demolish the building, the funding would leave the city with a 16% share of the cost. As the building stands right now, it detracts from the neighborhood.

Mr. Sanner indicated that he would like the city to negotiate on the cost of the property when we acquire it.

Mr. Townsend indicated that the Soccer Complex is in the CDBG target area, and that we are seeking funds to replace the playground equipment at the Soccer Complex. The total cost would be \$37,330 and there would be a 70/30% split, with the city's portion only being \$11,199.

Mrs. Fryman motioned, seconded by Mrs. Jones to approve Resolution #10-2008. A roll call vote was taken: Mrs. Jones –yes, Mr. Robinson –yes, Mayor Sanner –yes, Mrs. Fryman – yes, Mr. Folker –yes, Mr. Bowers –yes.

REPORTS BY OFFICERS

Mr. Norton gave a brief update on the Gibbons Road construction, listing the reasons for the improvement project. He stated that the current phase would be complete by August. He then went over the remaining phases of the Gibbons Road construction, indicated that the next phase will begin the Summer of 2009. He indicated that after that they would work on the Owl Creek protection and do some projects that would remove some properties from the 100 year flood zone.

Mr. Townsend indicated that AT&T is installing some equipment that will allow them to compete with Time Warner, and West Carrollton is a test site for the equipment. He indicated that 5 boxes have been installed, and the city will be able to work with them on the placement of the remaining boxes.

He stated that he would be attending a free seminar, presented by the ICMA, on May 5,6, & 7th about the Brownfield's options.

Mr. Gaines indicated that they had recently met with Carmax, an excavation permit was issued and they are pretty close to issuing a final building permit. He stated that they hope to open in mid January.

He stated that Appleton is currently expanding their facility for the new paper production. They have the steel framing up for the new expansion and the traffic light is up to facilitate their truck traffic.

Mr. Gaines indicated that he had an update on the dumpster issue, and he would discuss it in the worksession.

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UNSCHEDULED BUSINESS

None

COMMENTS BY AUDIENCE

None

COMMENTS BY COUNCIL

Mr. Bowers stated that he was glad to see the traffic light at Appleton finally working.

Mr. Robinson stated that he had heard that some people had to sit and wait for a green light on Alex Bell when there was no one coming out of Appleton.

Mr. Norton responded that there had been some bugs when the traffic light went live, but they had worked out the bugs and it should be working correctly now.

Mr. Robinson indicated that they had received a request for a donation from the Education Foundation, and in the past they had donated \$300. He requested that this item be put on the next agenda.

He stated that the Wright Brothers Seaplane Base Committee had been formed and incorporated. They are still working on getting it established, but it's moving along. He indicated that they want to place a memorial in the Miami and Erie Canal Park to commemorate the 1st Seaplane base which was located here in West Carrollton. Anyone wishing to help with this should contact him or Don Ferguson.

Mr. Folker stated that some residents were surprised that the intersection of E. Central and Elm wasn't included for the red light camera, and that staff may want to look at this intersection as well.

Mayor Sanner reminded the residents that the Home Improvement Fair would be Saturday, May 10 from 10 a.m. – 3 p.m. at the West Carrollton YMCA.

He reminded the residents that Saturday, May 10 was also "Garage Sale Saturday" in West Carrollton, and that large trash pickup week would be May 12, on your normal trash day.

He reminded everyone that Pre-Season Wilson Pool passes are on sale at the Civic Center.

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RECESS

Mayor Sanner motioned, seconded by Mr. Bowers to recess to a Work Session to discuss the items on the agenda. A unanimous roll call carried the motion.

WORK SESSION

PRESENT: Mayor Sanner, Council members Jim Bowers, Angie Fryman, Jim Folker, Jody Jones, Harold Robinson; City Manager Brad Townsend; Law Director Lori Kirkwood; Service Director Rich Norton, Director of City Planning Greg Gaines, Public Relations Coordinator Erika Mattingly, Deputy Chief Woodard, and Assistant Clerk of Council Alicia Norton.

EXCUSED: Councilmember Linda Lotspaih

Rich Norton, Service Director, presented a brief overview of the preliminary study results of the Miami Conservancy District Low Dam Safety and Recreation project, internally known as "Whitewater West Carrollton". Mr. Norton reported that estimated costs of the project range from \$ 5 to \$6 million, depending upon the recreation element chosen by the community. One unique feature of the West Carrollton site is that it is large enough for a whitewater course that could host regional and even national events. The final study should be completed by the end of May and MCD officials will be coming to make formal presentations at a future council meeting.

Heidi Arnold with the Brick Industry Association discussed the advantages of using brick in commercial and residential construction; she also highlighted several communities that require all or partial brick construction for commercial and residential development. Greg Gaines, City Planning Director, stated that he would like to encourage commercial development with brick and was looking for some direction from council. After a brief discussion, it was the consensus of council to look at some development standards that might encourage the use of brick as a sustainable material. Staff will meet again with Ms. Arnold and begin the process for future council consideration. Following her presentation, Ms. Arnold left the work session.

Chief Keister presented a brief power point presentation designed to educate council on how the fire department is currently staffed and to discuss alternatives. The department currently employees of mix of full-time career personnel, along with part-time and paid on call (Volunteer) firefighters and paramedics. Full-time career firefighters work a 24/48 schedule, which means that they will work a 24 hour shift and then be off for 48 hours. Fair Labor Standards Act (FSLA), provided that firefighters and paramedics working a 24/48 shift can work 2,756 hours, versus 2,080 hours for other employees working a 40 hour per week, 8 hour per day schedule. The advantage of this type of schedule is that it takes less people to staff a 24 hour per day, 365 day per year service. The disadvantage is that there is built in overtime or (FSLA) days that are paid to the career staff that, last year, totaled

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approximately \$ 100,000 for six career people. The alternative would be to hire an individual to cover the overtime hours and give the career people time off in lieu of overtime, but at this point, it is still cost effective to pay out the overtime.

After a brief discussion of the presentation, council indicated that they were satisfied with the explanation and thanked Chief Keister for his time.

Greg Gaines, Director of Planning, discussed with council the Law Director's opinion on whether or not there were any issues with "grandfathering" where dumpster enclosures were required. A total of 46 businesses could potentially fall into this category. After reviewing the code requirement with the Law Director, it is Lori's opinion that there is no such provision and that all businesses must comply. It was the consensus of council to begin making contact with the remaining businesses and start enforcement of the requirement.

With no further business, council adjourned the work session at 9:25 p.m.

ADJOURNMENT

At the conclusion of the session, Councilmember Jody Jones moved to adjourn the meeting, seconded by Councilmember Jim Bowers. The motion was approved and the meeting was adjourned at 9:26 p.m.

MAYOR

CLERK OF COUNCIL