

# RECORD OF PROCEEDINGS

Minutes of WEST CARROLLTON CITY COUNCIL REGULAR Meeting

Held June 28,

2022

The meeting was called to order by Mayor Sanner at 6:30 p.m. The Pledge of Allegiance and Roll Call followed.

PRESENT: Mayor Jeff Sanner, Councilmembers Amanda Zennie, Rick Barnhart, Angie Fryman, Keith Tilton, Rick Dobson, and Jill Tomlin. City Staff – City Manager Brad Townsend, Law Director Lori Denlinger, Finance Director Tom Reilly, Fire Chief Chris Barnett, Police Chief Doug Woodard, and Assistant Clerk of Council Tracy Rankin.

## MINUTES

Mrs. Fryman moved, seconded by Mrs. Zennie to approve the regular meeting minutes of June 14, 2022. A vote was taken: Mrs. Zennie-yes, Mr. Barnhart-yes, Mrs. Fryman-yes, Mr. Tilton-yes, Mr. Dobson-yes, Mrs. Tomlin-yes, and Mayor Sanner-yes.

## PUBLIC HEARINGS

None

## COMMUNICATIONS AND PRESENTATIONS

### *Oath of Office for Part-Time Firefighter/EMT Caleb Eitel*

Fire Chief Barnett gave a brief background on Firefighter/EMT Caleb Eitel. Mayor Sanner administered the Oath of Office.

Mayor Sanner and Councilmembers congratulated and welcomed him to the city.

## COMMENTS BY THE AUDIENCE

None

## UNFINISHED BUSINESS

None

## NEW BUSINESS

**Ordinance 3727** - *An Ordinance Imposing A Nine Month Moratorium, From The Effective Date Of This Ordinance, On The Issuance Of Permits For Off-Site Premise Signs, To Allow City Council Time To Review The Recommendations Of Counsel To Amend Portions Of The Sign Code As It Relates To A Recent Supreme Court Decision, And Declaring An Emergency.*

Mrs. Denlinger presented Ordinance 3727. She explained there is a new case in the Supreme Court, *Austin v. Reagan*, that allows cities to prohibit off-premise signs. She stated it is one of the few directions that we have that is very specific. She explained

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## NEW BUSINESS (continued)

### Ordinance 3727 (continued)

while our sign code is already under review this is a good time to determine whether or not the city wants off-premise signs. Mrs. Denlinger explained this moratorium would give us nine months to obtain additional information, but she believes it will wrap up around the same time as the other sign code moratorium. She recommended approval of Ordinance 3727.

Mayor Sanner asked if there were any questions or comments for the law director. There were none.

Mr. Barnhart moved, seconded by Mayor Sanner to approve Ordinance 3727. A vote was taken: Mrs. Zennie-yes, Mr. Barnhart-yes, Mrs. Fryman-yes, Mr. Tilton-yes, Mr. Dobson-yes, Mrs. Tomlin-yes, and Mayor Sanner-yes.

Resolution 22-2022 - A Resolution Authorizing The City Manager To Enter Into A Memorandum Of Understanding With The West Carrollton School District For The Staffing Of A School Resource Officers Position At The West Carrollton High School.

Mr. Townsend presented Resolution 22-2022. He explained this is not a new position as we've had a school resources officer at the high school for a couple of years. The position was previously being filled by Part-Time Officer Tiffany Osburn who stepped down at the end of the school year. Officer Maureen Flaute will be taking over for Officer Osburn making the SRO a full-time position. The MOU between the city and the school district recognizes that Officer Flaute will still be a part of our police department, and we will continue to train her appropriately. However, the school district will reimburse the city for the cost of her salary and benefits. Mr. Townsend stated he would be happy to answer any questions.

Mayor Sanner asked if there were any questions. There were none.

Mrs. Tomlin moved, seconded by Mr. Tilton to approve Resolution 22-2022. A vote was taken: Mrs. Zennie-yes, Mr. Barnhart-yes, Mrs. Fryman-yes, Mr. Tilton-yes, Mr. Dobson-yes, Mrs. Tomlin-yes, and Mayor Sanner-yes.

Resolution 23-2022 - A Resolution Declaring It Necessary To Provide For Lighting The Streets, Lanes And Other Public Ways In The City Of West Carrollton, Ohio With Electric Lighting During The Year 2022 And Authorizing The Assessments For The Cost And Expense Thereof Upon All Lots And Lands Lying And Being Within The Corporate Limits Of Said City.

Mr. Reilly presented Resolution 23-2022. He stated this is a part of a three-prong system that is done annually. He explained the resolution is the necessity, then there is an ordinance determining if Council wants to proceed, and finally an ordinance assessing



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## NEW BUSINESS (continued)

### Resolution 23-2022 (continued)

and levying the tax. He stated these three steps have been the same for 12 years now. He also stated the good news is there is no increase, but due to electrical costs going up we will probably see an increase in the future.

Mayor Sanner moved, seconded by Mrs. Fryman to approve Resolution 23-2022. A vote was taken: Mrs. Zennie-yes, Mr. Barnhart-yes, Mrs. Fryman-yes, Mr. Tilton-yes, Mr. Dobson-yes, Mrs. Tomlin-yes, and Mayor Sanner-yes.

### Ordinance 3728 - *An Ordinance Amending Chapter 36 Council Rules And Procedures Of The Codified Ordinances Of The City Of West Carrollton.*

Mrs. Denlinger presented Ordinance 3728. She explained this amendment would correct language in the Council Rules. Currently the rules specify that Council can have one meeting per month, but specifically states that it must be the second Tuesday of the month. If Council decides they only need one meeting in a month, the amendment would allow the meeting to be either the second or fourth Tuesday of the month.

Mayor Sanner asked if there were any questions for the law director. There were none. Mayor Sanner stated this will be the first reading of Ordinance 3728.

### Ordinance 3729 - *An Ordinance Determining To Proceed With The Lighting Of Streets, Lanes And Other Public Ways In The City Of West Carrollton, Ohio.*

Mr. Reilly presented Ordinance 3729. He explained this is the second part of the three-prong system. This determines whether or not Council wants to proceed.

Mayor Sanner asked if there were any questions for Mr. Reilly. There were none. Mayor Sanner stated this will be the first reading of Ordinance 3729 and it will be on the agenda at the next Council Meeting.

### Ordinance 3730 - *An Ordinance Levying Special Assessments For The Lighting Of Streets, Lanes And Other Public Ways In The City Of West Carrollton, Ohio With Electric Lighting.*

Mr. Reilly presented Ordinance 3730. He explained this is the third prong, which gives him the authority to take it to the county. Mayor Sanner thanked Mr. Reilly.

Mayor Sanner stated this is the first reading of this ordinance and it will be on the agenda at the next meeting.

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## NEW BUSINESS (continued)

**Ordinance 3731** - *An Ordinance Levying Special Assessments For Any Non-Compliant Tree, Plant, Shrubbery, Weeds, Grass, And Other Nuisances Or Part Thereof, In Any Street, Public Place, Or Private Property Contiguous To A Street, Sidewalk, Or Public Place Other Public Ways In The City Of West Carrollton, Ohio.*

Mr. Reilly presented Ordinance 3731. He explained these are delinquent property maintenance bills that have gone through the due process. Mr. Reilly stated this is a little different from how we've done it in the past. He stated the county is requiring more paperwork due to a new software they have, so this obliges their request. He explained on our end it is the same as we have always done. If there is a delinquent bill we give the citizen the chance and due process, but if they won't pay then it goes onto their property taxes.

Mayor Sanner asked if there were any questions for Mr. Reilly. Mr. Townsend and Mr. Reilly pointed out there is a typo that will be corrected by the next reading, but it doesn't change the makeup of the ordinance. Mr. Townsend stated it is in Section 1, line 4, and instead of saying "note" it should say "not" to exceed \$51,500.

Mayor Sanner stated this will be the first reading of Ordinance 3731.

**Ordinance 3732** - *An Ordinance Levying Special Assessments For Any Delinquent Refuse Bills In The City Of West Carrollton, Ohio.*

Mr. Reilly presented Ordinance 3732. He stated this is like Ordinance 3731 in the fact that the county wants more paperwork. However, this ordinance is specifically for the refuse bills that are delinquent. He explained it is handled the same way by assessing to the property, but it fills the county's requirement in the additional paperwork.

Mayor Sanner asked if there were any questions for Mr. Reilly. There were none. Mayor Sanner stated this will be the first reading of Ordinance 3732. He thanked Mr. Reilly.

## REPORTS BY OFFICERS

Mr. Townsend stated he wanted to discuss AES and their new energy rates, which increases in cost this month. He explained there are two parts to the bill – the generation rate and supply charge. He stated AES bills everyone a flat fee of \$68 to deliver the electricity. Because Ohio is a deregulated state, citizens can choose who they receive electric from or they can take the standard rate from AES. On June 1, 2022, the standard rate went from .5 cents per KW hour to .11 cents per KW hour. Mr. Townsend explained if citizens are interested in exploring rate options with other suppliers they should take a look at a website that the PUCO operates, which is [www.energychoice.ohio.gov](http://www.energychoice.ohio.gov)



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### REPORTS BY OFFICERS (continued)

They have an "Apples to Apples Comparison Chart" that will give rates for alternate suppliers. In addition to electric suppliers, there is also a chart for gas suppliers. Mr. Townsend explained the website gives information including what questions to ask when contacting different energy suppliers. He encouraged residents to look closely at each offer and compare the rate per KW hour, rate type, renewal content, intro price, term length, early termination fee, monthly fee, and promo offers to ensure they know what they are committing to before finalizing a switch from AES to another supplier. He advised citizens to contact the City Manager's Office if they have questions. Mr. Townsend stated there is an insert to all AES bills that gives a scan box that will explain what the supply charge is and what the energy rates are, and then on the other side it gives information regarding payment assistance. Finally, Mr. Townsend stated that municipalities can negotiate rates for their residents and Council has directed staff to proceed with this action. However, before that can be done it has to go on the ballot and be approved by the community. At the next Council meeting, there will be an ordinance for Council to consider putting an Opt-Out Aggregation Program on the ballot in November. This means that if it is adopted by the community the city will negotiate rates on the citizens behalf. Citizens will automatically receive those rates unless they choose to opt-out. He explained once adopted by the community it will take approximately a year before this program will be up and running. In the interim, citizens are encouraged to check out the "Apples to Apples Comparison" for possible options to confirm a lower rate.

Chief Woodard addressed Council to discuss the new State of Ohio law as it relates to fireworks. He explained the state changed the law, which goes into effect July 1<sup>st</sup>. Fireworks are now legal on 14 different days of the year. Those specific days can be found on the Police Department Facebook Page. For the July 4<sup>th</sup> holiday, consumer grade fireworks are legal on July 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> for anyone over the age of 18, not under the influence of alcohol or controlled substances, in a location where a person has permission to shoot them or a location that the person owns. City parks are not permitted and other locations considered public land are not permitted unless the property owner has given written permission. Chief Woodard offered to answer any questions. Mayor Sanner asked as far as any ordinance or law per the Ohio Revised Code, what was put out by the Fire Marshall were just "rules". Chief Woodard answered that is correct. He stated the Fire Marshall put out "rules" that take effect on July 3, but they are not enforceable by law enforcement. Mayor Sanner stated he received phone calls regarding fireworks being let off at Lindbergh Park the night before and asked Chief Woodard since that is a public park would that be prohibited. Chief Woodard answered correct. He explained whoever was discharging the fireworks would be asked to leave the park and if they refused or were found back on the premises they could be arrested for trespassing. Mayor Sanner asked if Chief Woodard was going to bring in extra patrol for July 4<sup>th</sup>. Chief Woodard answered that we generally do have extra patrol, but it does depend on what shift of the day. Mayor Sanner thanked Chief Woodard.

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## UNSCHEDULED BUSINESS

### Comments by the Audience

None

### Comments by Council

Mayor Sanner and Councilmembers wished everyone a safe and Happy Fourth of July.

Mr. Tilton thanked Beth and the Fire Crew for getting things ready at the Fire Station to host the First Suburbs Meeting last Wednesday. He also mentioned someone reached out to him about trees and shrubs blocking the sidewalks. Mr. Townsend asked where. Mr. Tilton answered in the downtown area.

Mr. Dobson stated when he read his agenda he was a little taken aback by two new ordinances that he was unfamiliar with. He stated he did some reading and was still a little confused, but he spoke with Mr. Reilly and Mr. Townsend who guided him through the process of what was happening and why it was happening. He stated even if he doesn't like or agree with it, he now understands it and appreciates the great information he was provided which will help him make a decision in two weeks.


Mayor Sanner asked anyone shooting off fireworks to be careful. He also stated if anyone gets a ticket it is a minor misdemeanor and if they have to report to Mayor's Court they will be fined \$150 plus court costs.

## ADJOURNMENT

With no further business, Mayor Sanner moved, seconded by Mrs. Tomlin to adjourn the City Council Meeting of June 28, 2022. A vote was taken: Mrs. Zennie-yes, Mr. Barnhart-yes, Mrs. Fryman-yes, Mr. Tilton-yes, Mr. Dobson-yes, Mrs. Tomlin-yes, and Mayor Sanner-yes.

The meeting was adjourned at 6:56 p.m.

  
Assistant Clerk of Council

  
Mayor