

# RECORD OF PROCEEDINGS

## Minutes of WEST CARROLLTON CITY COUNCIL REGULAR Meeting

Held August 10,

2021

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 Jill Tomlin, Amanda Zennie, Rick Barnhart, Angie Fryman, Leanne Nash, and Harold Robinson. City Staff – City Manager Brad Townsend, Law Director Lori Denlinger, Finance Director Tom Reilly, Service Director Rich Norton, Public Relations Director Heidi Van Antwerp, and Assistant Clerk of Council Tracy Rankin.

### MINUTES

Mrs. Tomlin moved, seconded by Mrs. Zennie to approve the regular meeting minutes of July 27, 2021. A vote was taken: Mrs. Tomlin-yes, Mrs. Zennie-yes, Mr. Barnhart-yes, Mrs. Fryman-abstain, Ms. Nash-yes, Mr. Robinson-yes, and Mayor Sanner-yes.

### PUBLIC HEARINGS

None

### COMMUNICATIONS AND PRESENTATIONS

None

### COMMENTS BY THE AUDIENCE

None

### UNFINISHED BUSINESS

Ordinance 3702 – An Ordinance Levying Special Assessments for the Repair of Certain Described Sidewalks and Curbs in the City of West Carrollton, Ohio. (2<sup>nd</sup> reading and adopt)

Mayor Sanner stated this is the second reading of this ordinance. He asked if there were any additional comments or questions. There were none.

Mr. Barnhart moved, seconded by Ms. Nash to approve Ordinance 3702. A vote was taken: Mrs. Tomlin-yes, Mrs. Zennie-yes, Mr. Barnhart-yes, Mrs. Fryman-yes, Ms. Nash-yes, Mr. Robinson-yes, and Mayor Sanner-yes.

Ordinance 3703 - An Ordinance Imposing a Nine Month Moratorium, from the Effective Date of This Ordinance, on the Issuance and Processing of Permits, or Certificates of Occupancy for any Building, Being Used as a Short-Term Rental Operation Including but not Limited to Individuals and Platforms Such as Airbnb, HomeAway, and VRBO, to Allow City Council Time to Study and Review the Long-Term Impact on the Municipality. (2<sup>nd</sup> reading and adopt)

# RECORD OF PROCEEDINGS

Minutes of WEST CARROLLTON CITY COUNCIL REGULAR Meeting

Held August 10,

2021

## UNFINISHED BUSINESS (continued)

### Ordinance 3703 (continued)

Mayor Sanner stated this is the second reading of this ordinance. He asked if there were any additional questions or comments. There were none.

Mrs. Fryman moved, seconded by Mrs. Tomlin to approve Ordinance 3703. A vote was taken: Mrs. Tomlin-yes, Mrs. Zennie-yes, Mr. Barnhart-yes, Mrs. Fryman-yes, Ms. Nash-yes, Mr. Robinson-yes, and Mayor Sanner-yes.

Ordinance 3704 – An Ordinance Authorizing the City Manager to Enter into a Sales Agreement with Kellogg Equities L.L.C., (Hereinafter Referred to as the Purchaser) for the Purpose of Selling the City Owned Property at 31 Locust Street for a Sales Price of \$89,000.00 and Further Providing the Purchaser a Five-Year (5) Forgivable Loan in Consideration for Meeting Defined Investment and Job Creation Pledges. (2<sup>nd</sup> reading and adopt)

Mayor Sanner stated this is the second reading. He asked if there were any additional comments or questions. There were none.

Mr. Robinson moved, seconded by Ms. Nash to approve Ordinance 3704. A vote was taken: Mrs. Tomlin-yes, Mrs. Zennie-yes, Mr. Barnhart-yes, Mrs. Fryman-yes, Ms. Nash-yes, Mr. Robinson-yes, and Mayor Sanner-yes.

Ordinance 3706 – An Ordinance Determining to Proceed with the Lighting of Streets, Lanes and Other Public Ways in the City of West Carrollton, Ohio. (2<sup>nd</sup> reading and adopt)

Mayor Sanner stated this is the second reading and that Mr. Reilly had presented it in the last meeting. He asked if there were any additional questions or comments. There were none.

Mrs. Zennie moved, seconded by Mrs. Fryman to approve Ordinance 3706. A vote was taken: Mrs. Tomlin-yes, Mrs. Zennie-yes, Mr. Barnhart-yes, Mrs. Fryman-yes, Ms. Nash-yes, Mr. Robinson-yes, and Mayor Sanner-yes.

Ordinance 3707 - 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. (2<sup>nd</sup> reading and adopt)

Mayor Sanner stated this is the second reading. He asked if there any additional questions or comments. There were none.

Mrs. Fryman moved, seconded by Mrs. Zennie to approve Ordinance 3707. A vote was taken: Mrs. Tomlin-yes, Mrs. Zennie-yes, Mr. Barnhart-yes, Mrs. Fryman-yes, Ms. Nash-yes, Mr. Robinson-yes, and Mayor Sanner-yes.



# RECORD OF PROCEEDINGS

Minutes of WEST CARROLLTON CITY COUNCIL REGULAR Meeting

Held August 10,

2021

## NEW BUSINESS

Resolution 27-2021 – A Resolution Authorizing the City Manager to Submit a Project Application and Execute Contracts for Obtaining Grants from Ohio Public Works Commission Funds Allocated to this Area of the State for the Elm Street – Elmview Circle 8" Water Main Replacement Project.

Mr. Norton presented Resolution 27-2021. He stated this project is for Ohio Public Works Commission funding application for a water line replacement to replace existing four-inch and six-inch water lines that are along the project path with a brand new eight-inch water line, fire hydrants, and service connections. The project is proposed to run along Elm Street from Maplehill Drive southward to the high-low pressure system split, which is a few hundred feet north of Hazelwood Circle, along Elmview Circle and about 185 feet of new water line along Elementary Drive. The estimated project cost is a little over \$350,000 with a fifty percent grant loan anticipated in the application. The loan portion is a zero percent interest loan payable over twenty years. If approved, we will be able to turn in the application by August 25<sup>th</sup>. If that goes through, the design plans would happen after funds are available in July of 2022. Construction will be in the Spring/Summer of 2023.

Mayor Sanner asked if there were questions for Mr. Norton. There were none.

Mr. Barnhart moved, seconded by Ms. Nash to approve Resolution 27-2021. A vote was taken: Mrs. Tomlin-yes, Mrs. Zennie-yes, Mr. Barnhart-yes, Mrs. Fryman-yes, Ms. Nash-yes, Mr. Robinson-yes, and Mayor Sanner-yes.

Resolution 28-2021 – A Resolution Authorizing the City Manager to Apply for Surface Transportation Resurfacing Program (STP) Funding Via Federal Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) Funds Through the Miami Valley Regional Planning Commission for Roadway Resurfacing Along East Central Avenue.

Mr. Norton presented Resolution 28-2021. He stated this project is federally funded through the Coronavirus relief funds, administered by ODOT and MVRPC. He said we are proposing to do a two-inch mill and resurfacing of East Central Avenue. It will take place between Alex Road and eastward to the store and lock facility where Dixie and Central come together, and then also on North Alex Road up to Trina Avenue. The proposed project is a little over \$200,000 and is available as a hundred percent grant. Construction is about \$175,000 and design and project management is a little over \$30,000. Those applications are due this fall. If funded, we would do the design in 2022 and paving in 2023 along that route.

Mr. Norton mentioned along with the project, but not as a part of this resolution, that we would need to amend the 2022 Curb and Sidewalk Program. He said there was an outlined area in the packets with a few addresses listed along the Central Avenue Corridor, including Wendy's, Pizza Hut, Speedway, Taco Bell, the Post Office, South

# RECORD OF PROCEEDINGS

## Minutes of WEST CARROLLTON CITY COUNCIL REGULAR Meeting

Held August 10,

2021

### NEW BUSINESS (continued)

#### Resolution 28-2021 (continued)

Town Self Storage, PNC Bank, McDonalds, Sonic, Little Farm, and El Meson, that would need the curb repaired prior to the pavement coming in with this project. He said that we would need to do that in 2022 and all the paperwork and notices would go out after this meeting so people could know ahead of time.

Mayor Sanner asked when he anticipated making that announcement. Mr. Norton answered that after this meeting that they would announce the curb and sidewalk amendments and then the paving would be a part of the application.

Mayor Sanner asked if there were any questions for Mr. Norton. There were none.

Ms. Nash moved, seconded by Mrs. Tomlin to approve Resolution 28-2021. A vote was taken: Mrs. Tomlin-yes, Mrs. Zennie-yes, Mr. Barnhart-yes, Mrs. Fryman-yes, Ms. Nash-yes, Mr. Robinson-yes, and Mayor Sanner-yes.

#### Resolution 29-2021 - A Resolution Recommendation to Accept the OneOhio Opioid Settlement Pursuant to the OneOhio Memorandum of Understanding and to Authorize the Law Director to Enter into the Participation Agreement for the OneOhio Settlement with Opioid Distributors Amerisourcebergen Corporation, McKesson Corporation, and Cardinal Health, Inc.

Mrs. Denlinger presented Resolution 29-2021. She explained this resolution is another piece of legislation addressing the opiate litigation spearheaded by the State of Ohio against pharmaceutical companies. She said this resolution would authorize either her or the city manager to enter into the participation agreement and would authorize OneOhio to settle with three additional pharmaceutical companies that have produced opiate based pain killers. If approved the dollar amount isn't guaranteed yet, but it is possible that the City of West Carrollton will receive approximately \$122,000 paid over the next 18 years. Mrs. Denlinger recommended the approval of Resolution 29-2021.

Mayor Sanner moved, seconded by Mr. Robinson to approve Resolution 29-2021. A vote was taken: Mrs. Tomlin-yes, Mrs. Zennie-yes, Mr. Barnhart-yes, Mrs. Fryman-yes, Ms. Nash-yes, Mr. Robinson-yes, and Mayor Sanner-yes.

### REPORTS BY OFFICERS

Mrs. Van Antwerp gave the following updates:

- **Annual Doggie Dive** - Monday, September 6<sup>th</sup> from 5 p.m. to 7 p.m. at Wilson Pool. Admission is \$5 per pet family and the proceeds will go to local dog rescue organizations.



# RECORD OF PROCEEDINGS

## Minutes of WEST CARROLLTON CITY COUNCIL REGULAR Meeting

Held August 10,

2021

### REPORTS BY OFFICERS (continued)

- **Bike Rodeo** – Saturday, September 11<sup>th</sup> from 10 a.m. to 11:30 a.m. at Wilson Park for kids ages 4 to 11. Registration is \$5 per child. Each child will be entered into a drawing for prizes. Registration can be completed online: <https://www.westcarrollton.org/bike-rodeo/>
- **City Wide Garage Sale** – Saturday, October 2. Registration opens on Friday, August 13 and can be completed online or by calling 937-847-4635. Please leave the name, address, and telephone number of the participant.
- **Plaza Hall of Fame Award** – The city is still looking for nominations. To nominate someone, please download and complete a form from the "City Council" page of the website, [www.westcarrollton.org](http://www.westcarrollton.org), or pick one up in person at the civic center between the hours of 8:00 a.m. and 4:30 p.m. The deadline for nominations is Tuesday, August 31<sup>st</sup>.

### UNSCHEDULED BUSINESS

#### Comments by the Audience

Rod Golub, resident of 140 East Pease Avenue, addressed Council regarding Ordinance 3703. Mr. Golub mentioned that he has been a resident for almost 31 years. He asked council if they are studying it for nine months. Law Director Denlinger answered yes and Mayor Sanner added that it is a nine-month study. Mr. Golub asked if it was ok to discuss it now. Mayor Sanner advised him to go ahead. Mr. Golub mentioned that when the neighbor behind him built the garage, the other neighbors in the area were concerned that it was going to be used for apartments or single-family dwellings. He said his surrounding neighbors were with him at this Council Meeting. He said they are all concerned about a \$25 a night type of place in a residential neighborhood. He mentioned that he works for a contractor that does demolition for the City of Dayton and a lot of those places started out as a similar type of residence. He finished by saying he wants to express concern for himself and others about what the details include. Mayor Sanner commented this is the reason that Council will study it and said they have the same concerns.

Ethan Watson, resident of 20 West Main Street and owner of 133 East Main Street, addressed Council regarding Ordinance 3703. He stated he is the current owner of the residence in question. He said his family has 20 plus years in experience in short-term rentals. He moved to West Carrollton last year with his family. He said they hope to continue to help develop West Carrollton in the retail entertainment district downtown by opening a business that will bring more traffic to West Carrollton. He said he has concern about the ability for people to stay in West Carrollton. Mr. Watson mentioned the current building at 133 East Main Street is operating as a short-term rental. He said 85 percent plus of all the rentals that he does are related to business professionals and nurses who stay for contracted terms of two to three months at a time. He said he has a lot of experience with this type of rental and there is not much concern from his eyes.



# RECORD OF PROCEEDINGS

Minutes of WEST CARROLLTON CITY COUNCIL REGULAR Meeting

Held August 10,

2021

## Comments by the Audience (continued)

He said currently there are no available lodgings for people when they come to West Carrollton and we want to bring traffic here but at night people leave. He thinks the amount of business that it will bring to West Carrollton is beneficial. Mr. Watson also said from a personal standpoint that it has the potential to create income. He said short-term rentals tend to be more well-kept versus long-term rentals as the owner party tends to manicure those properties more often and be more present at those properties. He asked when Council considers the nine-month moratorium they consider the effect that it has on the individuals that have those types of residences open. He mentioned there are currently 15 plus already operating in the City of West Carrollton in that district. He said that for his property in question, a nine-month moratorium poses the risk of a \$45,000 loss to him over that time. Mr. Watson said he is at the property daily and makes sure that it is cared for. He mentioned that he and his family were displaced by COVID, and when they initially moved to West Carrollton they stayed in an Airbnb until he was able to purchase his home at 20 West Main Street. He thinks there is a large benefit to the city. He asked Council to consider that and said he would be happy to answer any questions.

Mayor Sanner asked how many units are there in that particular structure. Mr. Watson answered that structure is listed by Montgomery County and whenever he bought it, it had to be sold as a multi-family unit based on the construction from originally when it was built in 1880. He said he currently has four rooms available. One is a full one bedroom and one bathroom apartment on the lower level. The others are individual rooms made available to individuals coming in for the stay the length of their choosing. He said currently they have adjusted so they don't allow stays where the tenant, or guest, is expecting to stay for less than one month. He said many of those that come in are travelling nurses. Mr. Watson said right now they have two traveling nurses who are there three nights a week. It gives them a place to stay while they work at the hospitals here until they go home to their families.

Mr. Robinson asked for the single rooms what type of facilities does he have for the folks staying there. Mr. Watson answered that he has coded door locks on every door that is accessible by the guests. Whenever they come in they have a code that is designated to them. Each one of them individually is the only one that knows that code. Whenever they come into the building there is also coded locks to every single door on the entrance. Whenever they go to the common area and chose to leave the common area for their individual rooms there is coded door locks that only they know the pass code to so safety is not a concern in his mind. He said that it is very similar to the way a hotel room would work in the sense that the only people with the code are like the people with the hotel room card.

# RECORD OF PROCEEDINGS

Minutes of WEST CARROLLTON CITY COUNCIL REGULAR Meeting

Held August 10,

2021

## Comments by the Audience (continued)

Mayor Sanner asked if there was a common restroom facility. Mr. Watson answered that there are two shared, lockable restroom facilities to the three individual rooms that are available in that upstairs larger area as well as a full kitchen, dining room, and living room. Mayor Sanner commented that this is something that they are going to look at for the next nine months. Mr. Watson said that he appreciated it and thanked Council.

Kelly John, resident of 146 East Pease Avenue, addressed Council regarding Ordinance 3703. Ms. John mentioned she hadn't planned to say anything, but she lives directly behind the property at 133 East Main Street and smokes outside of her home around 10 and 11 p.m. and she no longer feels safe because of the people that are coming and going at that hour of the night. Ms. John said directly across the street from her is another property that used to be apartments but is now a short-term rental and she has no problems out of that one. She said it's been families, people with young children, people with dogs, older people but there have been no issues. She said it has actually been better than when it was rented out as apartments. Ms. John said on multiple occasions there has been a van parked in the alley that is going in and out of that driveway. She said that there are men that she is not comfortable around. She asked for Council to consider it very strongly. Ms. John finished by saying she has owned her home for 15 years and been a resident for 18 years and this is the first time she has felt uncomfortable going out on her porch at night. She said that should tell Council something.

## Comments by Council

None

## RECESS

Mayor Sanner moved, seconded by Mr. Barnhart to recess to an Executive Session pursuant to Ohio Revised Code 121.22 Section (G)(1) to consider the appointment, employment, or compensation of a public employee or official, to return for adjournment. A vote was taken: Mrs. Tomlin-yes, Mrs. Zennie-yes, Mr. Barnhart-yes, Mrs. Fryman-yes, Ms. Nash-yes, Mr. Robinson-yes, and Mayor Sanner-yes.

## EXECUTIVE SESSION

PRESENT: Mayor Jeff Sanner, Councilmembers Jill Tomlin, Amanda Zennie, Rick Barnhart, Angie Fryman, Leanne Nash, and Harold Robinson. City Staff - City Manager Brad Townsend and Law Director Lori Denlinger.

Council met pursuant to ORC 121.22 (G)(1) to consider the appointment, employment, or compensation of a public employee or official.



# RECORD OF PROCEEDINGS

Minutes of WEST CARROLLTON CITY COUNCIL REGULAR Meeting

Held August 10,

2021

## ADJOURNMENT

With no further business, Mayor Sanner moved, seconded by Mr. Robinson to adjourn the meeting. Voice vote was unanimous, motion carried. The meeting was adjourned at 7:30 p.m.



Assistant Clerk of Council



Mayor