

RECORD OF PROCEEDINGS

Minutes of

WEST CARROLLTON CITY COUNCIL REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held October 10, 20 17

PRESENT: Mayor Sanner, Councilmembers Rick Barnhart, Jim Bowers, Jim Folker, Angie Fryman, Patrick Merris, and Jill Tomlin. City Staff – City Manager Brad Townsend, Law Director Lori Denlinger, Finance Director Tom Reilly, Economic Development Director Mike Lucking, Public Relations Coordinator Erika Mattingly, and Assistant Clerk of Council Carie Cottongim

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

MINUTES

Mrs. Fryman motioned, seconded by Mrs. Tomlin to approve the regular meeting minutes of September 26, 2017. A vote was taken: Mayor Sanner-yes, Mr. Barnhart-yes, Mr. Bowers-yes, Mr. Folker-yes, Mrs. Fryman-yes, Mr. Merris-yes, and Mrs. Tomlin-yes

PUBLIC HEARINGS

None

COMMUNICATIONS AND PRESENTATIONS

PROCLAMATION – NATIONAL FIRE PREVENTION WEEK, OCTOBER 8-14, 2017

Mr. Barnhart read the proclamation.

COMMENTS BY AUDIENCE

None

UNFINISHED BUSINESS

None

NEW BUSINESS

RESOLUTION 29-2017

A Resolution in Support of a Clean Ohio Green Space Conservation Grant Application for the Purchase of and Site Improvements at 429 East Dixie Drive.

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Mr. Lucking informed that it would authorize city staff to apply for a grant to the Clean Ohio Green Space Conservation Fund. With that grant we would be able to acquire the property at 429 E. Dixie Drive, Colyer's Automotive, and cover the costs for the appraisal, Phase I review, and demolition of the site. We estimate the cost would be \$170,000 total that will be a grant to the city with the city's maximum cost to be 25% or \$42,500. We view that property as a "gateway" into the city. That property has had some issues with property maintenance and it's considered a non-conforming use from a zoning standpoint. It would be a good opportunity for us to start to fortify our gateway beautification into the city.

Mr. Folker motioned, seconded by Mr. Bowers to approve Resolution 29-2017. A vote was taken: Mayor Sanner-yes, Mr. Barnhart-yes, Mr. Bowers-yes, Mr. Folker-yes, Mrs. Fryman-yes, Mr. Merris-yes, and Mrs. Tomlin-yes

ORDINANCE 3617

An Ordinance Prohibiting Medical Marijuana Cultivation, Processing, and Retail Distribution within the City of West Carrollton. (1st reading)

Mrs. Denlinger explained that while the state of Ohio has approved medical marijuana it is still illegal federally. It is a Schedule 1 controlled substance therefore illegal under federal law and because of that, the big concern is that any federally insured banks or credit cards cannot take any proceeds derived from the marijuana business. It's a cash business, a cash industry which could open up to some criminal implications with a lot of cash held at the businesses. It could open up more crime of robberies and theft and could be right for criminal activity. At this point the federal law is not enforcing this. There are 25 other states that have medical marijuana and they are putting a blind eye to it but that doesn't mean it's going to continue. If they decide to enforce these laws then you have criminal and civil penalties and forfeitures. That's why a lot of communities have these bans temporarily by a moratorium or by legislation. Most recently Butler Township, Springboro, Oakwood, and Miamisburg have permanent bans on legislation. Kettering has a moratorium in place until 2018. A lot of communities are concerned about this and one of the main concerns is the legality of it because it is a Schedule 1 controlled substance. Some of the other concerns are if it's a good fit for the community. We have had discussions on if you had a business in West Carrollton what would be the pros and cons and would it be a good source of revenue for the city and those would be decisions for council to make, mine is just to provide you with the legal analysis of which it is legal in the state of Ohio but the concern is the federal law.

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Mr. Merris asked Mrs. Denlinger if and when they open up the cultivation centers what would happen to a person who would be transporting marijuana through the city if they were to get pulled over by one of our police officers and that person had a prescription for it. Mrs. Denlinger informed we are not here to tell people they cannot acquire medical marijuana if they have done so through the state of Ohio. Mayor Sanner informed that Ordinance 3617 prohibits the cultivation, processing, and retail distribution of medical marijuana with the city of West Carrollton. We are not saying it's illegal for someone to come through West Carrollton with the marijuana in their possession, we just don't want it cultivated and distributed in West Carrollton. Mr. Bowers informed that is one of the questions out there about how it's going to be legislated in the workplace. These are still things that have to be addressed and worked out.

ORDINANCE 3618

An Ordinance Authorizing the Issuance of not to Exceed \$240,000 of Equipment Acquisition Bond Anticipation Notes, First (2017) Renewal, by the City of West Carrollton, Ohio, in Anticipation of the Issuance of Bonds, and Declaring an Emergency.

Mr. Reilly informed this is a renewable note, that we will have the authority to issue, that is for the police and fire radios that were purchased in 2015 and we are paying it down from \$320,000 to \$240,000 and have a rate of 2.28% and hope to have that paid off in the next few years.

Mrs. Fryman motioned, seconded by Mr. Barnhart to approve Ordinance 3618. A vote was taken: Mayor Sanner-yes, Mr. Barnhart-yes, Mr. Bowers-yes, Mr. Folker-yes, Mrs. Fryman-yes, Mr. Merris-yes, and Mrs. Tomlin-yes

Designation of Posting Locations of City Council Agendas, Approved Ordinances and Resolutions Per Section 5.05 of the City Charter.

Mr. Townsend informed that the five (5) posting locations of city council agendas, approved ordinances and resolutions are in the Civic Center Lobby, Fire Station 56, Ele', Farmers and Merchants Bank, and Ameristop as well as on the city's website prior to the council meetings.

Mayor Sanner motioned, seconded by Mr. Merris to approve the new posting locations of city council agendas, approved ordinances, and resolutions per Section 5.05 of the City Charter. A vote was taken: Mayor Sanner-yes, Mr. Barnhart-yes, Mr. Bowers-yes, Mr. Folker-yes, Mrs. Fryman-yes, Mr. Merris-yes, and Mrs. Tomlin-yes

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REPORTS BY OFFICERS

Mr. Townsend informed next week starts the leaf pick up program. Residents can rake their leaves out to the curb and the city will come by and pick them up. We do not section the town off anymore the crews will pick up the leaves as they see them.

Mrs. Mattingly gave community updates:

- October 9-13, 2017 – Bulk item pick up week on your regular trash day. Any questions can be directed to 937-859-8280.
- October 12, 2017 – Coffee with a Cop at the McDonald's at 741 East Dixie Drive from 9-11 a.m.
- The fire department is conducting, "Every Second Counts: Plan 2 Ways Out" information sessions at the schools this week. The deadline for the students to turn in their plans is October 20, 2017. The department will select winners from each of the schools who will then have the opportunity to have breakfast at FS 56 and a ride to school in the fire truck.
- October 26, 2017 – Monster Mash, from 6-8 p.m. will be located in the ball diamond by Weidner Park.
- October 28, 2017 – Sniff-a-Treat at Hintermeister Park at 11:30 a.m. Bring your pets to find hidden treats and there will also be a costume contest.

UNSCHEDULED BUSINESS

Comments by the Audience

None

Comments by Council

Mrs. Tomlin thanked Sheanna Kurtz and everyone involved with the Homecoming Parade. It was well done with a lot of great floats and it was nice to see the residents out supporting the community.

Mayor Sanner motioned, seconded by Mr. Folker to recess to a work session to discuss the items on the agenda to be followed by adjournment. A vote was taken: Mayor Sanner-yes, Mr. Barnhart-yes, Mr. Bowers-yes, Mr. Folker-yes, Mrs. Fryman-yes, Mr. Merris-yes, and Mrs. Tomlin-yes

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WORK SESSION

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2018-2023 CIP

Mr. Townsend presented council with the proposed six-year capital improvement program, along with a reconciliation of the 2017 program. Mr. Townsend explained that due to the nature of capital improvements, planning is done over multiple years. However, beyond the second year of the program, costs and available revenue estimates are not exact. Therefore the program may not necessarily balance beyond 2019. The CIP, as proposed, is balanced for FY 2018 and FY 2019, with projected carryover amounts of between \$250,000 and \$300,000 per council policy.

After a brief discussion, the consensus of council was to proceed as proposed. A final plan will be approved as part of the 2018 budget to be presented next month.

Solid Waste District 5-year Plan Update

Mr. Townsend and Mr. Norton discussed with council some proposed changes to the Montgomery County Solid Waste District 5-year plan. Specifically, the SWD is proposing a pilot program for communities that wish to explore a pay as you throw (PAYT) system of billing for trash removal. The goal of a PAYT is to increase recycling by billing customers on the amount of trash they dispose of similar to other utilities. Examples from other communities were discussed.

Mr. Townsend stated that council has asked staff to look at ways to improve our rate of recycling, which is currently at 9%, based on feedback in prior community surveys. Staff has been working with our recycling contractor, Rumpke, about best practices for improving community recycling. In addition to increased education, offering a program that would replace the current recycling bins with larger 64 gallon toters has proven to be effective. Staff estimates that implementation of such a program could double the current recycling rate and be self-supporting.

After a brief discussion, council directed staff to proceed the toter approach with the goal of increasing our recycling rate to 16% within 24 months.

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Economic Development Update

Mike Lucking, Economic Development Director, reviewed with council his quarterly economic development activity report. A copy of the report is available upon request from the office of the Director of Economic Development.

ADJOURNMENT

With no further business, Mayor Sanner motioned, seconded by Angie Fryman to adjourn the meeting. Voice vote was unanimous, motion carried. The meeting was adjourned at 8:10 p.m.


Clerk of Council


Mayor