

# RECORD OF PROCEEDINGS

## Minutes of WEST CARROLLTON CITY COUNCIL REGULAR Meeting

Held June 27,

2023

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, Rick Dobson, and Jill Tomlin. City Staff - City Manager Brad Townsend, Law Director Lori Denlinger, Planning & Community Development Director Greg Gaines, and Clerk of Council Tracy Moore.

EXCUSED: Councilmember Keith Tilton

### AMMENDMENT TO THE AGENDA

Mayor Sanner made a motion to move the Communications and Presentations portion of the agenda before the Public Hearings. Mrs. Tomlin moved, seconded by Mr. Barnhart to amend the agenda and move the Communications and Presentations before the Public Hearings. A vote was taken: Mrs. Zennie-yes, Mr. Barnhart-yes, Mrs. Fryman-yes, Mr. Dobson-yes, Mrs. Tomlin-yes, and Mayor Sanner-yes.

### MINUTES

Mrs. Zennie moved, seconded by Mrs. Fryman to approve the regular meeting minutes of June 13, 2023. A vote was taken: Mrs. Zennie-yes, Mr. Barnhart-yes, Mrs. Fryman-yes, Mr. Dobson-yes, Mrs. Tomlin-yes, and Mayor Sanner-yes.

### COMMUNICATIONS AND PRESENTATIONS

Resolution 25-2023 - A Resolution Recognizing The West Carrollton High School Class Of 2023 Valedictorian And Salutatorian.

Mayor Sanner stated the 2023 Valedictorian is Ayah El-Hardan and Salutatorian is Ashley Williams. Unfortunately, neither were able to attend the meeting.

Mrs. Fryman moved, seconded by Mrs. Zennie to approve Resolution 25-2023. A vote was taken: Mrs. Zennie-yes, Mr. Barnhart-yes, Mrs. Fryman-yes, Mr. Dobson-yes, Mrs. Tomlin-yes, and Mayor Sanner-yes.

Sandmazing Video Presentation- Dillin Events

Kayla Long, from Dillin Events, attended the meeting to give Council an update on the Sandmazing event that was held on June 3, 2023, including a video presentation. She also gave updates on the following events:

- First Thursdays - Hosted by the Parks & Recreation Department and include food trucks and other vendors at Carrollton Plaza.

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- Summer Concert Series – Free concerts held at 1 South Elm Street May 25<sup>th</sup>, June 8<sup>th</sup>, July 13<sup>th</sup>, and August 17<sup>th</sup>.
- Community Events with the Police Department and Fire Department
- Rockin’ the River – Ticket sales will begin on July 1<sup>st</sup>. All ticket sales and beer proceeds will go to the Montgomery County Law Enforcement Memorial Association. Michael Jackson Tribute Band will be the main act this year.

Finally, Mrs. Long expressed her gratitude to all of the city staff. She explained that none of these events could take place without the support and work from the staff within the city.

### PUBLIC HEARINGS

*Ordinance 3752 - An Ordinance Amending Chapter 153 Of The Code Of Ordinances Of West Carrollton, Known As The “Sign Code”. (1<sup>st</sup> Reading)*

Mr. Gaines presented Ordinance 3752, along with Stephen McHugh and Sarah Sparks from Coolidge Wall Co., L.P.A. Mr. Gaines explained this is an application by the City of West Carrollton to update the sign code. He stated the most recent updates to the sign code were in 2017 and 2020 following the US Supreme Court decision Reed versus Town of Gilbert in Arizona. He stated since our last update, there have been a number of court decisions that have modified that Supreme Court decision. Mr. Gaines stated he and Law Director Lori Denlinger have worked with Stephen McHugh and Sarah Sparks for over two years to update our code to stay current with the evolving case law. He stated we’ve had two moratoriums, four work sessions, and numerous individual meetings. The Planning Commission held a public hearing on this proposal on May 4<sup>th</sup>, and recommend the approval. He stated the law director and city staff also recommend approval. Mr. Gaines turned the floor over to Mr. McHugh and Ms. Sparks for a PowerPoint presentation. A copy of this presentation can be obtained by contacting the Clerk of Council, Tracy Moore.

Mayor Sanner asked if there were any questions from Councilmembers. There were none. Mayor Sanner opened the public hearing for comments from the audience. He asked for anyone wanting to come forward to speak in favor of Ordinance 3752 to come to the podium with their name and address for the clerk’s record. No one came forward. He also asked for anyone wanting to speak against Ordinance 3752 to come forward with their name and address for the clerk’s record. No one came forward. Mayor Sanner closed the Public Hearing of Ordinance 3752. He stated this will be the first reading of this ordinance.

### COMMENTS BY THE AUDIENCE

None

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## UNFINISHED BUSINESS

None

## NEW BUSINESS

*Resolution 26-2023 - A Resolution Authorizing The City Manager to Enter Into a Construction Manager At Risk Agreement With Woodard Development LLC For The Construction Of Public Improvements As Part Of The River District Development Project.*

Mr. Townsend presented Resolution 26-2023. He stated there was a memo in the Council Packet from Economic Development Director Mike Lucking summarizing the proposed development agreement with Woodard Development LLC. He stated Woodard Development will be acting as a contractor at risk on behalf of the city for the construction of public improvements at the interchange. He explained they will arrange for the design, engineering, and manage the construction of the project in exchange for a five percent fee of the total project budget. All of the public improvements will be designed upfront, but only a portion of the project is planned for a Phase 1 construction. Once the design is complete, the work will be bid out. Mr. Townsend stated Woodard would follow the city's bidding procedures, and coordinate them with Service Director Rich Norton, who will be involved in the selection process of both the design engineer and contractor. Once the project is bid, a construction budget will be established. The city's liability will be the lesser of the actual budget or 2.5 million dollars. He explained that is where the construction at risk comes into play for Woodard Development as they will be responsible for keeping the project on task and at budget. If not, they will be responsible for anything over the 2.5 million. Mr. Townsend explained this resolution will authorize him to enter into the contractor at risk agreement with Woodard Development.

Mr. Townsend invited Todd Duplain, from Woodard Development, to speak a bit about the public improvement project. Mr. Duplain touched on the scope, timing, cost, and risk for budget and timing. He explained the scope of Phase 1 is Dixie Drive and south. Phase 2 is north of Dixie and Marina Drive to the river. In Phase 1, they are contemplating a temporary road. He explained the public improvements will create sidewalks, landscaping, curb & gutter, mast arms for traffic signals, etc. Mr. Duplain also spoke about the timing, which includes the traffic impact study that will start in July. In early August, they will work with Mr. Norton on the civil design. In October, they will complete some geotechnical drillings to make sure the soils along Manchester and Marina are appropriate. The final design will be done in February. In Spring of 2024 they will complete the bidding process according to the city's bidding standards. Finally, in late Fall of 2024 the construction will be completed. The city's portion of the cost for Phase 1 will not exceed 2.5 million dollars. Mr. Duplain explained if the cost exceeds the 2.5-million-dollar budget, then his company is responsible for the difference. He also stated if they can get the cost under the 2.5-million-dollar budget then that will free up monies for additional landscaping or to move onto Phase 2 of the project.

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

Mayor Sanner moved, seconded by Mrs. Fryman to approve Resolution 26-2023. A vote was taken: Mrs. Zennie-yes, Mr. Barnhart-yes, Mrs. Fryman-yes, Mr. Dobson-yes, Mrs. Tomlin-yes, and Mayor Sanner-yes.

*Resolution 27-2023 - A Resolution Authorizing The City Manager To Enter Into An Agreement With Frost Brown Todd LLP To Engage Their Services In Connection With An Environmental Investigation And Remediation Of The Former Appvion Wastewater Treatment Plant At A Cost Not To Exceed \$30,000.00 Dollars.*

Mr. Townsend presented Resolution 27-2023. He explained Patriot Engineering is working on a reuse and remediation plan for the twenty-seven-acre former wastewater treatment plant site that is located adjacent to the Great Miami River. They recommended the city engage in the services of a law firm that is experienced in environmental law. Mr. Townsend stated city staff, including Mrs. Denlinger, met with the folks at Frost Brown Todd LLP, and they've offered to help us through this phase of our remediation plan at a cost not to exceed \$30,000. Mr. Townsend stated the staff recommends engaging their services.

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

Mrs. Fryman moved, seconded by Mrs. Tomlin to approve Resolution 27-2023. A vote was taken: Mrs. Zennie-yes, Mr. Barnhart-yes, Mrs. Fryman-yes, Mr. Dobson-yes, Mrs. Tomlin-yes, and Mayor Sanner-yes.

*Appointment of Cameron Goschinski to the City Beautiful Commission for a Two-Year Term.*

Mr. Barnhart moved, seconded by Mayor Sanner to appoint Cameron Goschinski to the City Beautiful Commission for a two-year term. A vote was taken: Mrs. Zennie-yes, Mr. Barnhart-yes, Mrs. Fryman-yes, Mr. Dobson-yes, Mrs. Tomlin-yes, and Mayor Sanner-yes.

### REPORTS BY OFFICERS

Mr. Townsend reported on the MVCC Electric Aggregation program. He stated letters will be sent out soon to residents in the community who are already customers of AES about an opportunity to be a part of the MVCC Electric Aggregation program. He explained this is a consortium of 14 other communities who went together and bid out electric services for all of our respective communities. The current AES rate is 10.8 cents per kwh. MVCC was able to confirm a rate of 6.57 cents per kwh. This rate is offered through Harbor Energy, and will be good through December of 2025. Anyone who is already a customer of AES and wants to take advantage of this rate doesn't have to do anything. Customers are automatically in unless they chose to opt-out. If customers

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wish for their electric provider to be a renewable energy source customers can opt-out, but there is a renewable energy option for 6.97 cents per kwh. MVCC will host two open houses prior to the opt-out deadline of July 21<sup>st</sup>. The first will be held on July 17<sup>th</sup> from 6:30 p.m. to 8:30 p.m. at the Senior Center on Glengarry Drive in Kettering. The second will be held on July 18<sup>th</sup> from 5 p.m. to 7 p.m. at the Sinclair Community College Campus Extension in Centerville on Clyo Road. Mr. Townsend stated we will promote those dates on our website and through social media. Once this is completed, MVCC will work on a program for natural gas aggregation.

### UNSCHEDULED BUSINESS

#### Comments by the Audience

None

#### Comments by Council

Mrs. Zennie wished everyone a safe and Happy Fourth of July, and asked everyone to be safe and considerate of their neighbors.

Mr. Barnhart wished everyone a Happy Fourth of July.

Mrs. Fryman asked everyone to be safe with the fireworks, and to remember pets and veterans who may be reactive to the noise. She also commented great news on the thirty percent savings with the electric aggregation program. Finally, she asked for an update from Code Enforcement on how the rental inspection program is going.

Mr. Dobson commented Happy Birthday America. He also mentioned he wanted to provide an update for the citizens who are concerned about the request for the zoning change on the church in old West Carrollton. He stated the owner filed an appeal on the city's decision, so there will be a Board of Zoning Appeals meeting on August 10<sup>th</sup>. Finally, he wished everyone a wonderful holiday.

Mrs. Tomlin wished everyone a safe and Happy Fourth of July. She also expressed condolences to Teresa Brook's family on her passing.

Mayor Sanner reminded everyone to be safe on the Fourth of July. He asked everyone to be careful with their fireworks.

### WORK SESSION

None

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## EXECUTIVE SESSION

None

## ADJOURNMENT

With no further business, Mayor Sanner moved, seconded by Mrs. Fryman to adjourn the City Council Meeting of June 27, 2023. A vote was taken: Mrs. Zennie-yes, Mr. Barnhart-yes, Mrs. Fryman-yes, Mr. Dobson-yes, Mrs. Tomlin-yes, and Mayor Sanner-yes. The meeting was adjourned at 7:13 p.m.

  
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Clerk of Council

  
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Mayor