

RECORD OF PROCEEDINGS

Minutes of WEST CARROLLTON CITY COUNCIL REGULAR Meeting

Held July 11,

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 Jill Tomlin, Amanda Zennie, Rick Barnhart, Angie Fryman, Keith Tilton, and Rick Dobson. City Staff – City Manager Brad Townsend, Law Director Lori Denlinger, Planning & Community Development Director Greg Gaines, Finance Director Julie Duffy, and Clerk of Council Tracy Moore.

MINUTES

Mrs. Fryman moved, seconded by Mrs. Tomlin to approve the regular meeting minutes of June 27, 2023. A vote was taken: Mrs. Tomlin-yes, Mrs. Zennie-yes, Mr. Barnhart-yes, Mrs. Fryman-yes, Mr. Tilton-abstain, Mr. Dobson-yes, and Mayor Sanner-yes.

Mrs. Fryman moved, seconded by Mrs. Zennie to approve the special meeting minutes of June 29, 2023. A vote was taken: Mrs. Tomlin-yes, Mrs. Zennie-yes, Mr. Barnhart-yes, Mrs. Fryman-yes, Mr. Tilton-yes, Mr. Dobson-yes, and Mayor Sanner-yes.

PUBLIC HEARINGS

None

COMMUNICATIONS AND PRESENTATIONS

Oath of Office for Full-Time Firefighter/Paramedic Matthew Woodgeard

Chief Barnett gave a brief background on Firefighter/Paramedic Woodgeard. He also conducted a badge pinning ceremony, which involved Woodgeard's father.

Mayor Sanner administered the Oath of Office. Mayor Sanner and Councilmembers congratulated and wished Woodgeard well in his new career.

COMMENTS BY THE AUDIENCE

None

UNFINISHED BUSINESS

Ordinance 3752 - An Ordinance Amending Chapter 153 Of The Code Of Ordinances Of West Carrollton, Known As The "Sign Code".

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

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Mayor Sanner moved, seconded by Mrs. Tomlin to approve Ordinance 3752. A vote was taken: Mrs. Tomlin-yes, Mrs. Zennie-yes, Mr. Barnhart-yes, Mrs. Fryman-yes, Mr. Tilton-yes, Mr. Dobson-abstain, and Mayor Sanner-yes.

NEW BUSINESS

Resolution 28-2023 - A Resolution Authorizing The Submittal Of A Community Development Block Grant (CDBG) Program Application For Phase 2 Of The Improvements To The Interstate 75 Underpass At Alex-Bell Road, And Authorizing The City Manager To Represent The City In Fulfilling Program Requirements.

Mr. Gaines presented Resolution 28-2023. He explained last year we were awarded \$100,000 of CDBG funds, and budgeted an additional \$60,000 for Phase 1 of this project. He stated the consultant has the final construction drawings completed. He stated per Council's direction, Phase 1 includes painting of the jersey barriers and beams of the bridge, installing new LED lighting, removing overgrowth and replacing with new landscaping. Mr. Gaines stated we are waiting on ODOT to approve our permit. Once the permit is approved, bids will be put out for contractors. The goal is to have Phase 1 completed by the end of 2023. Mr. Gaines explained this resolution will allow for the City Manager to apply for new CDBG funds for Phase 2 of the project, which should be completed in 2024. The remaining enhancements include installing wider sidewalks, adding brick paver accents, adding pedestrian light poles, additional landscaping, and possibly a replacement fence that would be black powder coated. Mr. Gaines also stated this underpass is identified as a gateway into our downtown. Mr. Gaines recommended approval of Resolution 28-2023, and offered to answer any questions.

Mr. Tilton asked if we will be responsible for all of the maintenance. Mr. Gaines answered yes. Mr. Tilton asked if we've studied how that will impact the work load of current employees, or if there will be a need to hire additional people. Mr. Townsend answered we contract for various locations. He stated we could probably add this to that contract. Mr. Gaines stated the landscaping is about half of what was originally proposed. Mayor Sanner asked if the integrity of the bridge is still the State of Ohio's responsibility. Mr. Gaines answered yes. He stated even though it may not look like it, they say it is safe.

Mrs. Zennie moved, seconded by Mr. Barnhart to approve Resolution 28-2023. A vote was taken: Mrs. Tomlin-yes, Mrs. Zennie-yes, Mr. Barnhart-yes, Mrs. Fryman-yes, Mr. Tilton-yes, Mr. Dobson-yes, and Mayor Sanner-yes.

Resolution 29-2023 - 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.

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Mrs. Duffy presented Resolution 29-2023, Ordinance 3753, and Ordinance 3754. Mrs. Duffy explained all three of these pieces of legislation work together for the same concept, which is lighting the public streets of our city. This is an important part of "routine" housekeeping. Mrs. Duffy explained the city pays the cost of the maintenance, installation, repairs, and electric of all the street lights in the City of West Carrollton. She stated this will take the cost and pass it through as a special assessment to the 2023 tax duplicate, payable in 2024. The cost this year, \$157,805.79, is what we paid in 2022. She explained this cost is passed along to our property owners, and is prorated based upon the county auditor's valuation for property taxation purposes. She gave an example: A property valued at \$100,000 would equate to a pass-through cost of approximately \$28.00 for one year's worth of lighting. Mrs. Duffy further explained the three-step process is a requirement by the State of Ohio. The first matter to be considered is a resolution of necessity. The next step is an ordinance to proceed, meaning to proceed or continue with lighting the public streets and right of ways. Once that is decided, the third piece of legislation will direct staff and the county auditor to formally add this to the tax duplicate to go on the 2023 tax bill, which is payable in 2024. Mrs. Duffy offered to answer any questions. There were none. Mrs. Fryman commented on the agenda the ordinance is listed but not the number. She stated this is the first reading of Ordinance 3753 and 3754.

Mrs. Tomlin moved, seconded by Mr. Tilton to approve Resolution 29-2023. A vote was taken: Mrs. Tomlin-yes, Mrs. Zennie-yes, Mr. Barnhart-yes, Mrs. Fryman-yes, Mr. Tilton-yes, Mr. Dobson-yes, and Mayor Sanner-yes.

Ordinance 3753 - An Ordinance Determining To Proceed With The Lighting Of Streets, Lanes And Other Public Ways In The City Of West Carrollton, Ohio.

Mayor Sanner asked if there were any questions for Mrs. Duffy. There were none. Mayor Sanner moved for it to be the first reading of Ordinance 3753. He stated it will be on the next agenda.

Ordinance 3754 - 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.

Mayor Sanner stated this is the first reading of this ordinance. It will be on the next agenda.

REPORTS BY OFFICERS

Mr. Townsend reported staff opened bids for the 2023 Pavement Program. He stated per Council's direction, the majority of the ARPA money was directed to paving. Two bids were received. The lowest and best bid was received from Barrett Paving Materials in the amount of \$798,181.85. He stated this is over budget, but only by 3.4%. Mr. Townsend stated this paving program will contain 13 streets, 3 alleys, and a 5-foot walkway path at Leiwig Park. The streets scheduled to be paved include Maplehill

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Drive, Maplehill Circle, Southard Lane, Ivy Hill Circle, Red Bud Circle, Carlin Drive, Brimstead Avenue, Vernell Drive, Andover Avenue south of Lindbergh Boulevard, Dinsmore Road, Eda Avenue, Ormand Road, East Main Street, Elm Street to Cedar Street. The alleys to be paved are north of East Pease Avenue, between Elm Street and Cedar Street, north of Home Avenue, between Locust Street and Burns Avenue, and north of Catherine Avenue. Unfortunately, the contractor will not be able to begin work until September 1st, but hopes to have the project completed by the end of the month.

Cheryl Dillin, from Dillin Events, congratulated Mayor Sanner for the completion of his Mayor's Report. She also thanked Richard from MVCC for his services. She stated MVCC is a great resource for the public. They teach people how to create videos, pod casts, and allow citizens to rent or use other equipment free of charge.

Mrs. Dillin also gave updates on the following events:

- The Concert Series continues on Thursday, July 13th with the band Velvet Crush. Mrs. Dillin stated the Fire Department will be featured. They will bring their trucks, do CPR training, and have a competition at the intermission.
- The Great Paint Escape will be held Wednesday, July 19th at the Library Conference Room. Registration is \$35.00.
- August 3rd is the next in the First Thursday's series.
- Friday, August 11th is the next Movie Night at Wilson Park.
- Thursday, August 17th finishes the Concert series with the Stranger cover band. The Police Department will be featured at this event.
- Thursday, August 24th is Self-Defense for Seniors. Registration is only \$5.00, and will be held at the Senior Center.
- Tickets are on sale for Rockin' the River, which will be held on September 30th and feature the Michael Jackson tribute band.

Mrs. Dillin praised Yvonne for her work on community engagement through the website and social media. She explained community engagement is very different online. She stated Yvonne is also working on Ribbon Cuttings, Proclamations, and other projects. She advised Council they would receive more invitations in the months to come for these events. Mrs. Dillin also stated Yvonne is working on a new website that should be rolled out by Fall.

Mr. Townsend asked the protocol if the weather does not cooperate for the concert series. Mrs. Dillin explained the concerts are usually not called for bad weather until the very last minute. Citizens should refer to Facebook or the website for that information.

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UNSCHEDULED BUSINESS

Comments by the Audience

Mr. Dobson stated he would like to recuse himself as a Councilmember to speak as a citizen from West Carrollton.

Rick Dobson, from 3131 West Alex-Bell Road, addressed Mayor Sanner and the other Councilmembers as a citizen from the city. Mr. Dobson explained he wanted to speak about the ordinance that was passed today, Ordinance 3752. He stated a consultant from a law firm was hired who made recommendations about this ordinance. Mr. Dobson explained a recommendation was made regarding specific language, but wasn't included. He stated he believes if an ordinance is passed, any recommendation made by legal counsel should be included. Mr. Dobson stated the language is in section 153.14 of the old ordinance, and 153.18 of the new ordinance. Mr. Dobson explained the ordinance holds the property owner responsible for what the tenant may do. He stated legal counsel made recommendations to change this language; however, the changes weren't included. He stated as a citizen he is offended, and as a councilmember it bothers him. Mr. Dobson emphasized once a law is passed, changing it is difficult. He expressed concern about not feeling heard when he's tried to discuss this ordinance. He also stated if he misunderstood, he will stand corrected and apologize. Mr. Dobson stated he was done speaking as a citizen.

Mayor Sanner expressed concern that there was a first reading of the ordinance, and also a second reading, but Mr. Dobson never spoke up as a councilmember. Mayor Sanner stated he felt Mr. Dobson came forward as Joe Citizen in an attempt to make the rest of Council look bad. Mr. Dobson disagreed.

Mrs. Denlinger asked Mayor Sanner if she could address specifically what Mr. Dobson was referencing. Mrs. Denlinger explained Mr. Dobson is correct in the fact there was a recommendation to strike specific language, and that it was the consensus this language is going to be stricken. However, Mrs. Denlinger explained she thought she conveyed to Mr. Dobson that this language is going to be addressed at the time the other policy issues are handled. Mr. Dobson asked if it was a policy issue or a law issue. Mrs. Denlinger further explained more conversation is needed with Council prior to any policy decisions that have been discussed. Mrs. Denlinger stated they would never hire legal experts to ignore their advice. She stated this has been a work in progress for over two years. She apologized to Mr. Dobson if he felt like he was unheard. She stated she's called him every time he's requested to be called. Mr. Dobson agreed that he's received telephone calls, but this is an issue he has been attempting to discuss for six months. He stated his only interest is his first amendment rights.

Mayor Sanner commented the rest of Council isn't privy to his conversations with other people.

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Mrs. Zennie commented this topic has been discussed, and her understanding was the first piece was about the law. She stated she understood the landlord / tenant issue was going to be addressed as a policy issue.

Mrs. Fryman commented when it was discussed everyone agreed it shouldn't be allowed.

Mr. Dobson commented he must not understand the difference between a policy and law issue.

Mrs. Tomlin stated if he doesn't agree on the ordinance he should vote no.

Mr. Dobson explained he wasn't allowed to vote on this matter, so his vote was to abstain.

Mrs. Denlinger explained he has a conflict.

Mrs. Tomlin answered she didn't realize that. She didn't hear him abstain, and apologized to Mr. Dobson.

Mr. Tilton asked Mrs. Denlinger if the policy updates are scheduled.

Mrs. Denlinger answered staff definitely wants to get through this as soon as possible. She stated it has taken two years to get the legal portion updated. She explained in the near future staff will be coming before Council to find out what other changes they would like to see made. She gave the example of banners. Council can determine if they still want to allow banners, but explained these types of changes aren't legal issues. She further explained the changes in this ordinance were as black and white as they could get with the law to bring our sign code current. If it is challenged, then she feels it will withstand the constitutional challenge.

Mrs. Fryman clarified because there is not a constitutional ruling on landlord responsibility, it's not included in the ordinance that was passed today. Mrs. Denlinger confirmed that is correct. Mrs. Denlinger went on to say staff will be recommending that Council change that language; however, they just haven't got there yet.

Mr. Dobson stated his argument is that it should have been done at the same time. If he were a landlord, it becomes a law issue because he will have to offend it against the city who will assess taxes on his property. Mr. Dobson apologized to Mayor Sanner if he offended him. He also apologized if he made an error in judgement, however; stated that he still feels it should have been included with this ordinance. Mr. Dobson thanked Council for allowing him to express his opinion.

Mayor Sanner thanked Mr. Dobson.

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Comments by Council

Mrs. Tomlin stated she's had a couple of people call to ask about the aggregation program. She asked Mr. Townsend if there is a specific person within the city to direct people to for questions. Mr. Townsend stated there is an 800 number included in the letter, but they can also call Tracy or Yvonne.

Mrs. Fryman thanked Mrs. Duffy for her clear explanation of the resolution and ordinances. She also reminded everyone of the upcoming concert on Thursday.

Mr. Dobson asked about the electric aggregation. He asked if he wants remain in the program if he needs to do anything. Mr. Townsend and Mrs. Fryman answered if you are already a customer of AES then you will become a part of the program automatically. No further action is necessary.

WORK SESSION

None


EXECUTIVE SESSION

None

ADJOURNMENT

With no further business, Mayor Sanner moved, seconded by Mrs. Tomlin to adjourn the City Council Meeting of July 11, 2023. A vote was taken: Mrs. Tomlin-yes, Mrs. Zennie-yes, Mr. Barnhart-yes, Mrs. Fryman-yes, Mr. Tilton-yes, Mr. Dobson-yes, and Mayor Sanner-yes. The meeting was adjourned at 7:15 p.m.


Clerk of Council


Mayor