

RECORD OF PROCEEDINGS
Minutes of WEST CARROLLTON CITY COUNCIL REGULAR Meeting

Held October 22,

2024

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

ROLL CALL

PRESENT: Mayor Rick Barnhart, Councilmembers Angie Fryman, Keith Tilton, Mike Boyle, Rick Dobson, Jill Tomlin, and Amanda Zennie. City Staff: City Manager Amber Holloway, Law Director Lori Denlinger, Assistant City Manager Dan Wendt, Police Chief Doug Woodard, Fire Chief Chris Barnett, Planning & Community Development Director Greg Gaines, Parks & Recreation Director Christian Mattingly, Finance Director Julie Duffy, Communications Manager Yvonne Concepcion, and Clerk of Council Tracy Moore.

MINUTES

Mrs. Fryman moved, seconded by Mrs. Zennie to approve the special meeting minutes of September 29, 2024. A vote was taken: Mrs. Fryman-yes, Mr. Tilton-yes, Mr. Boyle-yes, Mr. Dobson-yes, Mrs. Tomlin-yes, Mrs. Zennie-yes, and Mayor Barnhart-yes.

Mr. Tilton moved, seconded by Mr. Boyle to approve the regular meeting minutes of October 8, 2024. A vote was taken: Mrs. Fryman-yes, Mr. Tilton-yes, Mr. Boyle-yes, Mr. Dobson-yes, Mrs. Tomlin-yes, Mrs. Zennie-yes, and Mayor Barnhart-yes.

PUBLIC HEARINGS

None

COMMUNICATIONS AND PRESENTATIONS

Police Department Awards

- Commendation – Police and Fire Dispatcher Rebecca Spitzig
- Commendation – Police and Fire Dispatcher Tonya Cornett
- Exemplary Service – Administrative Assistant Teresa Eitel

Chief Woodard highlighted the accomplishments of all award recipients. He also presented them with a certificate and/or plaque. Mayor Barnhart and Councilmembers congratulated and thanked all award recipients for their dedication.

Oath of Office for Full-Time Firefighter/Paramedic Forest Weiss and Full-Time Firefighter/Paramedic Steven Michael Wehrley III

Chief Barnett gave a brief background on Firefighter Weiss and Firefighter Wehrley. He also conducted a badge pinning ceremony. Mayor Barnhart administered the Oath of Office. Mayor Barnhart and Councilmembers congratulated and welcomed both Firefighter Weiss and Firefighter Wehrley to the city.

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COMMENTS BY THE AUDIENCE

Karen Findlay, West Carrollton Library Branch Manager, addressed Council to provide updates on upcoming events that will be taking place at the West Carrollton Branch Library. She also presented a YouTube video that highlighted the services offered by the Dayton Metro Library. Ms. Findlay advised Council Issue #34 will be on the ballot in November for the library. It is a five-year 1 mill levy. Finally, she advised Council the library is working with the City of Dayton, Police Departments and Library Administration to resolve the after-school issues at some of the larger city branches.

UNFINISHED BUSINESS

Ordinance 3780 – An Ordinance Adopting Amendments To Chapter 154 Of The Code Of Ordinances Of West Carrollton Known As The “Zoning Code”, Amending Section 154.10.473, City Center District Use Regulations.

Mayor Barnhart stated Ordinance 3780 was presented as a Public Hearing and first reading at the October 8, 2024, City Council Meeting. He asked Council if there were additional questions or comments.

Mr. Dobson stated he would like to make a comment. He stated he understood the importance of passing the ordinance because of the potential of businesses coming to the area. However, he expressed concern because he had questions about zoning issues or changes that might take place and his questions were not answered.

Mrs. Zennie asked if someone could answer Mr. Dobson’s questions.

Ms. Holloway stated she sent a note to Council, which advised them that staff completed a full review of the zoning changes, including how it would impact 61 West Alex-Bell Road. She stated as a part of the review staff determined the existing use of the property does not fall under either manufacturing or warehousing. Therefore, it would not change the owner’s use of the property as it exists today. Ms. Holloway did state it would limit the ability to turn that property into a light industrial use or warehouse use in the future, but it wouldn’t make them non-conforming in their current use.

Mr. Dobson stated he did not receive that update. He explained he has had ongoing issues with receiving city email. However, he stated this wasn’t his only question. He also asked for the history and details of all changes that took place from when property owners had their existing zoning status to when it was changed to City Center. He stated he did not receive that information. He explained he prefers to see all of the information before he makes a decision.

Discussion ensued between Mayor Barnhart, Mr. Dobson, Mr. Tilton and Mr. Boyle regarding notification being made to the property owner, issues with not receiving city email, and Mr. Dobson’s request for the historical data. Mr. Dobson emphasized that he prefers to have a full history of what changes have been made that could impact someone’s property rights prior to voting on legislation.

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Ms. Denlinger assured Mr. Dobson he would receive the historical data he was requesting along with a hard copy of the information Ms. Holloway provided. She clarified that the process was properly done from a legal perspective. She also stated Mr. Bartley was here at the last meeting for the Public Hearing and did not speak against the ordinance. She explained staff also approached Mr. Bartely in an attempt to have a conversation after the last meeting.

Mr. Dobson stated his vote this evening would be for the reason that he is 100% in favor of Culvers and the new growth, but reiterated he has concerns on the other topics discussed.

Mayor Barnhart moved, seconded by Mrs. Tomlin to approve Ordinance 3780. A vote was taken: Mrs. Fryman-yes, Mr. Tilton-yes, Mr. Boyle-yes, Mr. Dobson-yes, Mrs. Tomlin-yes, Mrs. Zennie-yes, and Mayor Barnhart-yes.

NEW BUSINESS

Mayor Barnhart moved, seconded by Mrs. Fryman to take Ordinance 3781 from the table. A vote was taken: Mrs. Fryman-yes, Mr. Tilton-yes, Mr. Boyle-yes, Mr. Dobson-yes, Mrs. Tomlin-yes, Mrs. Zennie-yes, and Mayor Barnhart-yes.

Mrs. Bartley, from the audience, asked if she had the opportunity to oppose Ordinance 3780.

Mrs. Zennie and Mayor Barnhart explained the opportunity to oppose Ordinance 3780 was during the Public Hearing at the last meeting. Mayor Barnhart explained the Public Hearing was advertised in the newspaper as required by law. The Public Hearing was done as a first reading of the ordinance and was closed at the last meeting. Ordinance 3780 was read and voted on as a second reading this evening.

Mr. and Mrs. Bartely, from the audience, stated they didn't know about the ordinance prior to last meeting to be prepared. They stated no one has contacted them.

Mayor Barnhart stated Council and the City Manager would discuss this to see if there is an appeals process.

Law Director Denlinger called point of order. She explained the city followed all legal requirements. She also stated that staff contacted Mr. Bartely to set up a meeting, but he elected not to meet because he wanted to contact his attorney. She also explained there is another section in the meeting where comments by the audience can be made. She explained that is the appropriate time if anyone would like to come to the podium to speak.

Ordinance 3781 - An Ordinance To Make Appropriations For Current Expenses And Other Expenditures Of The City Of West Carrollton, State Of Ohio, During The Fiscal Year Ending December 31, 2024, Amending Ordinance 3779, Repealing Any Ordinances In Conflict Herewith, And Declaring An Emergency

City Manager Holloway presented Ordinance 3781. This ordinance was originally submitted for approval on the October 8th agenda, but was tabled for further review by staff. This

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supplemental appropriation is requested as an emergency to fulfill the city's reimbursement obligation per the 2019 School Compensation Agreement. The request would increase fund 226, Carrollton Centre, in the amount of \$114,100. It would also increase fund 225, Entertainment District, in the amount of \$10,000. The total increase of \$124,100 would allow the disbursement of received TIF proceeds to both West Carrollton Local School District (WCDS) and Miami Valley Career Technology Center (MVCTC).

Mr. Tilton moved, seconded by Mr. Boyle to approve Ordinance 3781. A vote was taken: Mrs. Fryman-yes, Mr. Tilton-yes, Mr. Boyle-yes, Mr. Dobson-yes, Mrs. Tomlin-yes, Mrs. Zennie-yes, and Mayor Barnhart-yes.

Ordinance 3783 - An Ordinance Authorizing The Filing Of An Application And Authorizing The City Manager Or Her Designee To Complete All Necessary Documents To Secure A Loan In An Amount Not To Exceed \$1,860,000 From The Ohio Department Of Transportation State Infrastructure Bank (SIB) To Finance The West Carrollton River District Phase IA Infrastructure And Site Prep Construction Project Within The City Of West Carrollton, Ohio, And Declaring An Emergency.

City Manager Holloway presented Ordinance 3783. She explained this ordinance would authorize the city to apply for an Ohio Department of Transportation (ODOT) State Infrastructure Bank (SIB) loan for the pending spine road. The emergency request is necessary to meet project timelines relating to real estate development in the River District. Ms. Holloway explained the application includes a request for financing not to exceed \$1,860,000, with the City of West Carrollton contributing \$158,000 for engineering and design. However, if the engineering and design result in lower estimated costs then this city is not obligated to borrow the maximum amount authorized. This SIB loan is low interest, approximately 3%, and allows for deferred loan payments for two years.

Mrs. Tomlin moved, seconded by Mrs. Fryman to approve Ordinance 3783. A vote was taken: Mrs. Fryman-yes, Mr. Tilton-yes, Mr. Boyle-yes, Mr. Dobson-yes, Mrs. Tomlin-yes, Mrs. Zennie-yes, and Mayor Barnhart-yes.

Mayor Barnhart introduced Resolution 25-2024.

Resolution 25-2024 - A Resolution Requesting The Advance Payment Of Tax Revenues Collected By The County Auditor For The Account Of The City Of West Carrollton.

City Manager Holloway presented Resolution 25-2024. She explained this resolution would authorize the city to request an advance payment of property tax proceeds beginning in January of 2025. Per Ohio law, the County Treasurer collects all real estate taxes and special assessments on behalf of public entities within their county. The advance payment would benefit the city because we would be able to earn a small amount of interest income.

Mrs. Zennie moved, seconded by Mr. Dobson to approve Resolution 25-2024. A vote was taken: Mrs. Fryman-yes, Mr. Tilton-yes, Mr. Boyle-yes, Mr. Dobson-yes, Mrs. Tomlin-yes, Mrs. Zennie-yes, and Mayor Barnhart-yes.

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Mayor Barnhart introduced Resolution 26-2024.

Resolution 26-2024 - A Resolution Accepting The Amounts And Rates As Determined By The Budget Commission And Authorizing The Necessary Tax Levies And Certifying Them To The County Auditor.

City Manager Holloway presented Resolution 26-2024. This resolution would accept the 2024/2025 property tax rates for all of the inside, the charter and voted millage for the City of West Carrollton. It authorizes the County Auditor to both levy and collect property tax millage on behalf of the city as well as allocate local government funding. This resolution is reviewed and approved annually per state law.

Mrs. Fryman moved, seconded by Mr. Boyle to approve Resolution 26-2024. A vote was taken: Mrs. Fryman-yes, Mr. Tilton-yes, Mr. Boyle-yes, Mr. Dobson-yes, Mrs. Tomlin-yes, Mrs. Zennie-yes, and Mayor Barnhart-yes.

Mayor Barnhart introduced Resolution 27-2024.

Resolution 27-2024 - A Resolution Authorizing The City Manager To Enter Into Amendment No. 3 With Synagro Central, LLC To Extend The Current Amendment No. 2 Of The Original Agreement For Hauling And Landfill Disposal Of Dewatered Biosolids Through October 31, 2027.

City Manager Holloway presented Resolution 27-2024. She explained this resolution authorizes the city to extend the contract with Synagro Central, LLC for the hauling and landfill disposal of dewatered biosolids from the Wastewater Treatment Plant through October 31, 2027. The terms of this extension include a 5% increase in year one to a rate of \$79.15 per wet ton and \$198.01 per load charge until October 31, 2025. Year two and year three would be adjusted based on the CPI with a base month being August of the previous year.

Mrs. Fryman moved, seconded by Mr. Boyle to approve Resolution 27-2024. A vote was taken: Mrs. Fryman-yes, Mr. Tilton-yes, Mr. Boyle-yes, Mr. Dobson-yes, Mrs. Tomlin-yes, Mrs. Zennie-yes, and Mayor Barnhart-yes.

Mayor Barnhart introduced Resolution 28-2024.

Resolution 28-2024 - A Resolution Authorizing The City Manager To Enter Into A Lease Agreement With The Miami Conservancy District

City Manager Holloway presented Resolution 28-2024. This resolution would authorize the city to enter into a lease agreement with the Miami Conservancy District for approximately 86 acres along the banks of and within a portion of the Great Miami River. The establishment of the lease agreement is a critical step in the development of the Whitewater Park.

Mayor Barnhart moved, seconded by Mrs. Tomlin to approve Resolution 28-2024. A vote was taken: Mrs. Fryman-yes, Mr. Tilton-yes, Mr. Boyle-yes, Mr. Dobson-yes, Mrs. Tomlin-yes, Mrs. Zennie-yes, and Mayor Barnhart-yes.

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Mayor Barnhart introduced Resolution 29-2024.

Resolution 29-2024 - A Resolution Authorizing The City Manager To Submit A Grant Application In The Amount Of \$150,000 To The Montgomery County Board Of Commissioners For Economic Development Government Equity (ED/GE) Funding In Support Of A Proposed Architectural And Structural Metals Manufacturing Shop Expansion And Acquisition Of Property For And On Behalf Of Cornerstone Building Supply (Hallmark Incorporated).

City Manager Holloway presented Resolution 29-2024. She explained this resolution would authorize the City Manager to submit a 2024 ED/GE grant application for \$150,000 to the Board of County Commissioners for Cornerstone Building Supply. Cornerstone Building Supply occupies a portion of 145 South Alex Road. This funding would assist with the acquisition of and redevelopment of the building and parcel with the immediate plans to expand the current manufacturing and sale of architectural and sheet metal operations. The proposed expansion would result in immediate investment in the city, totaling approximately \$1,435,000, retention of 4 full-time manufacturing jobs, and the creation of 10 new manufacturing jobs. The current draft of the 2025 budget includes an estimated award of \$75,000. It is possible that the city could receive all, a portion of, or none of the request pending the recommendation of the ED/GE committee and legislative adoption by the Board of County Commissioners. Whatever revenue the city receives by the county would be paid out to the grant recipient.

Mr. Tilton moved, seconded by Mr. Boyle to approve Resolution 29-2024. A vote was taken: Mrs. Fryman-yes, Mr. Tilton-yes, Mr. Boyle-yes, Mr. Dobson-yes, Mrs. Tomlin-yes, Mrs. Zennie-yes, and Mayor Barnhart-yes.

Appointment of Darius Thomas to the Recreation Board to fill the Unexpired Term of William Stolz

Mrs. Fryman moved, seconded by Mr. Tilton to appoint Darius Thomas to the Recreation Board to fill the Unexpired Term of William Stolz. A vote was taken: Mrs. Fryman-yes, Mr. Tilton-yes, Mr. Boyle-yes, Mr. Dobson-yes, Mrs. Tomlin-yes, Mrs. Zennie-yes, and Mayor Barnhart-yes.

Parks & Recreation Director Mattingly thanked Mr. Thomas for volunteering to serve on the board.

Council welcomed and thanked Mr. Thomas for volunteering to serve the city. Mayor Barnhart also expressed gratitude to all of the people who volunteer their time with the city.

REPORTS BY OFFICERS

City Manager Holloway congratulated and welcomed Firefighter/Paramedic Weiss and Firefighter/Paramedic Wehrley. She also congratulated the Police Department award recipients. Finally, Ms. Holloway reminded everyone of the Monster Mash event to be held on Thursday, October 24, 2024 from 6:00 p.m. to 8:00 p.m. at Weidner Park.

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Law Director Denlinger congratulated the Police Department award recipients. She also expressed gratitude towards all the members of the West Carrollton Police Department.

Parks & Recreation Director Mattingly gave a reminder on the upcoming events:

- Monster Mash to be held on Thursday, October 24, 2024, from 6:00 p.m. to 8:00 p.m. at Weidner Park
- Father/Daughter Dance to be held on Friday, November 1, 2024, from 7:00 p.m. to 9:00 p.m. at Fire Station #56, 125 West Central Avenue. Tickets can be purchased on the city's website or at the door.
- Rake Rally to be held on Saturday, November 9, 2024, from 10:00 a.m. until 12:00 p.m. Volunteers should meet at the Civic Center.

UNSCHEDULED BUSINESS

Comments by the Audience

Rosalyn Bartley, regarding 61 West Alex-Bell Road, addressed Council to express her opposition and concerns regarding Ordinance 3780. She stated she is a member of Magnum Properties, LLC who is the owner of the property in question. She stated her concerns include:

- The decrease of the fair market value of the property.
- The decrease of the market value of their business, which they own and operate from this property.
- The future ability to retain and secure new tenants.

Mrs. Bartely expressed concerns of not being formally notified of any changes to the zoning or use of the property. She explained their tenants provide income and help them offset costs. The restriction on the use of the property will limit potential renter possibilities in the future.

She submitted a written public records request to Clerk of Council Tracy Moore.

Mr. Boyle stated he would like to ask some questions to get a better understanding because he is also a business owner. He stated he was aware Mrs. Bartley was at the last meeting; however, she also stated she wasn't informed. He asked at what point was she informed of that meeting.

Mrs. Bartley answered they were never formally informed.

Mr. Boyle stated it was posted in the newspaper, and he also made a request to Director Gaines to reach out to them. He stated his stance was the property owner should be notified ahead of the hearing. He told Mrs. Bartley he would like to discuss that with her further at a later time to hear her side.

Mrs. Zennie, Mr. Tilton, and Mr. Boyle made comments and ensued discussion about the property being grandfathered in. They explained they were under the impression if the Bartley's elect to sell the business to someone who continues to maintain the same type of business then they are able to do that without being impacted by this ordinance amendment.

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However, if the property sits empty for a six-month period then the ordinance amendment would be in effect.

Ms. Denlinger, Ms. Holloway and Mr. Gaines all clarified this information. Ms. Holloway explained the current use of their property falls within City Center zoning, so they are not non-conforming. She stated removing the possibility of manufacturing or light industrial use could impact the Bartley's if they decided to change the current use of their business. However, they would be allowed any permitted use within the City Center District.

Ms. Denlinger further explained zoning text amendments do not require property owner notification, but also acknowledged Council's concern regarding this topic. Ms. Denlinger stated Council directed Mr. Gaines to contact the Bartley's after the last meeting, and explained from her understanding contact was made and they were offered the opportunity of a meeting but declined.

Mrs. Bartley asked for the reason behind the change.

Ms. Denlinger explained that outside counsel reviewed this amendment and provided advice. She stated in the past, specific parcel numbers within the City Center District had been given different permitted uses. She explained it isn't legal to base a property use on each individual property.

Mrs. Bartley commented at one time they did have a tenant that was a small tool shop. She stated now since that isn't a permitted use they would no longer be able to take them as a tenant. This is an example of how their tenant pool would be restricted.

Mrs. Zennie, Mr. Tilton, and Mr. Boyle all expressed concern over the miscommunication regarding the property being grandfathered in.

Ms. Holloway extended the opportunity to meet with both Mr. and Mrs. Bartley to talk through all of the changes and discuss potential opportunities for them in the future.

Mayor Barnhart asked Mrs. Bartley to get with the City Manager to set up a meeting. He stated the City Manager would update Council on how things progress.

Comments by Council

Mr. Tilton encouraged residents to attend Monster Mash. He also stressed the importance and encouraged residents to vote. Finally, Mr. Tilton expressed concerns and frustration over some of the other zoning decisions that have been made that could impact existing businesses.

Mr. Boyle encouraged residents to vote. He told Mrs. Bartely he would like to give her his number. He also thanked city staff for their work in the cleanup after the storms.

Mr. Dobson asked if we could check into when it changed from one year to six months. He stated as a business owner he believes six months is a short time frame. He also commented

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that Operation Share Christmas is no longer going to occur which will impact many families in the community. He stated the Church of the Lost and Found is going to step up to the plate and help the people of Canterbury Court. He encouraged residents to donate if possible to help with this mission. Donations can be made through the Church of the Lost and Found. Mr. Dobson congratulated the award recipients. Finally, Mr. Dobson stressed the importance and encouraged residents to vote.

Mrs. Tomlin encouraged residents to get out and vote. She also stated she is glad we keep up with the tradition of having the Monster Mash event. Finally, she reminded everyone that Trick or Treat will be held on October 31 from 6:00 p.m. to 8:00 p.m. She asked everyone to be careful.

Mrs. Zennie congratulated all of the award recipients. She encouraged residents to vote. She also thanked the members of the audience for their attendance. Finally, she wished a Happy Veterans Day and encouraged donations to this organization or any other organization in need.

Mayor Barnhart congratulated the award recipients. He also reminded everyone of Beggars Night on October 31. He encouraged parents to talk to their children to make sure they look both ways before crossing the street, and reminded drivers to go slow.

RECESS

Mayor Barnhart moved, seconded by Mrs. Fryman to recess to a Work Session to discuss the items on the agenda, to be followed by adjournment. A vote was taken: Mrs. Fryman-yes, Mr. Tilton-yes, Mr. Boyle-yes, Mr. Dobson-yes, Mrs. Tomlin-yes, Mrs. Zennie-yes, and Mayor Barnhart-yes.

WORK SESSION

PRESENT: Mayor Rick Barnhart, Councilmembers Keith Tilton, Mike Boyle, Rick Dobson, Jill Tomlin, Amanda Zennie, and Angie Fryman. City Staff: City Manager Amber Holloway, Law Director Lori Denlinger, Assistant City Manager Dan Wendt, Planning & Community Development Director Greg Gaines, and Finance Director Julie Duffy.

Agriculture in Residential Districts

City Manager Holloway introduced this item of discussion, noting that the matter had been discussed with City Council in years past and was returning at their request.

Director Gaines presented on urban agriculture, walking Council through pros and cons, as well as noting how some neighboring communities handle the matter.

At the conclusion of the presentation, Mr. Boyle stated that allowing homeowners to have fowl would give them opportunities to teach their children, get involved with organizations like FFA and 4-H, and raise their own food. He added that he felt that there should be stipulations and a permit process.

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There was some discussion about possible regulations and parameters that could be associated with this type of use. City Manager Holloway stated that Staff could conduct a more thorough review of possible regulations for West Carrollton.

Mrs. Fryman stated that property maintenance would be a concern. Mayor Barnhart stated that he would like Staff to investigate and propose possible regulations.

Mrs. Zennie asked Council if this was the right time to look into this. She stated that this took a great deal of time and research, and this did not seem like a priority with everything else going on. Further discussion ensued.

Council agreed that they would like to see a proposal for possible regulations of raising chickens in residential districts, and that there was no particular rush to bring this back for their review.

FY2025 Budget Discussion

Council held general discussion about the 2025 proposed budget. Mr. Boyle addressed Code Enforcement vest colors, and body cameras. He also stressed that the IT servers in the budget should go out to competitive bidding. Further, he added that any vehicle purchases should be budgeted to include any necessary vehicle upfit.

Mr. Tilton expressed concerns over fire personnel full staffing, referencing information provided to him on staffing by City Manager Holloway. He noted that he did not feel as if full-staffing as outlined was a significant increase, asking how the 30 part-time employees played into daily staffing. Ms. Holloway stated she would look into this to see if she could provide further explanation.

Mr. Boyle reiterated his preference for the color of the Code Enforcement vests, adding that they should be completely different than police. City Manager Holloway addressed this matter, explaining the thought process behind the vest style and color, adding that if the vests were provided, they would be clearly identified. She stated that she would consider this feedback, and explained that Council approving this purchase in the budget would give the authorization for Staff to select the vest, assuring Council that a great deal of thought had been given to this issue. Mayor Barnhart stated that the vests need to be clearly marked, and that Code Enforcement should be in a different color of shirt than police to distinguish them. He added that body cameras should be on anytime they are talking with a citizen. Mr. Boyle asked to see a couple of body camera videos.

EXECUTIVE SESSION

None

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ADJOURNMENT

With no further business, Mr. Boyle moved, seconded by Mrs. Tomlin to adjourn the City Council Meeting of October 22, 2024.

The meeting was adjourned at 9:42 p.m.



Clerk of Council



Mayor