

**CITY OF WEST CARROLLTON
PLANNING COMMISSION
FEBRUARY 4, 2016**

Members Present

Rebecca Lucas, Chair
Dominic Rinaldi, Vice Chair
Harold Robinson, Secretary
Roger Gibson
Douglas Seifert

Members Absent

None

Staff

Greg Gaines, Director of City Planning
Connie Lewis, Planning Secretary

City Council Members

Patrick Merris

The meeting was called to order at 6:30 p.m. by Mrs. Lucas. Following the Pledge of Allegiance, the roll call was taken with all members present.

APPROVAL OF AGENDA

Mrs. Lucas asked if there were any corrections or changes to the agenda. There were no corrections and Mr. Rinaldi made a motion, seconded by Mr. Seifert, to approve the agenda as submitted. The vote was unanimous for approval.

APPROVAL OF MINUTES

Mrs. Lucas asked if there were changes to the minutes of the Special Meeting on October 26, 2015. There was a motion by Mr. Robinson with a second by Mr. Gibson to approve the minutes as submitted. The vote was unanimous for approval.

PUBLIC HEARINGS

T-15-2, Alternative Financial Services

Mr. Gaines was sworn in for testimony and presented the staff report which was entered into the record as Exhibit A. Mr. Gaines also asked that the staff report dated October 30, 2015, which was presented at the joint City Council-Planning Commission work session on November 24, 2015, be entered into the record as Exhibit 1.

Mr. Gaines stated that staff is recommending that new regulations be adopted regarding pawn shops and alternative financial service providers which includes payday lenders, auto title lenders and check-cashing services. He noted that the Golden Elf Pawn Shop is now closed which leaves CheckSmart on S. Alex Rd. and LoanMax on Springboro Pike as the only two existing businesses in this category. Technically, there are now no pawn shops in the city.

The rationale for adopting these type of regulations is that these businesses do engage in predatory lending practices and are harmful to the residents of West Carrollton. They also have an adverse effect on the city's appearance and economic vitality and property values. A connection between

pawn shops and property crime has also been demonstrated. Data collected from the police department shows significant violations related to these types of businesses in the city. He stated that the State of Ohio adopted regulations requiring licenses for these types of businesses, and the federal government is looking at establishing some type of regulations regarding these businesses as well. Unfortunately there is a loophole in Ohio state law that allows these businesses to position themselves as other types of businesses in order to avoid having to comply with state law. Staff received a letter from an Akron law firm explaining that these businesses have been taking advantage of the loophole and recommending that cities pursue legislation modeled after the City of Cleveland that would close the loophole on the local level.

Mr. Gaines researched surrounding communities and most do not have regulations regarding these businesses. The city of Kettering allows check-cashing, pay day loans and pawn shops as a conditional use in their business districts with requirements such as separation requirements, hours of operation and screening. Xenia permits those types of uses in their business district only with a 5,000 foot separation requirement.

Staff concluded from its research that the model ordinance following the City of Cleveland's law would be the most thorough and comprehensive. He provided an overview of the proposal as described in the staff report.

Mrs. Lucas asked for clarification that the window covering restriction pertained to all locations and not just within 150 feet of a single family residence. Mr. Gaines replied that it did apply to all locations.

Mr. Gaines shared maps showing a radius analysis to indicate the location where these types of businesses could and could not locate. He stated that the maps show that the proposed regulations do allow for the businesses to locate within the city.

Mr. Gaines concluded his report and said that staff recommends approval of Resolution T-15-2.

Mrs. Lucas asked if there was discussion. Being none, a motion was made by Mr. Rinaldi and a second by Mr. Gibson to approve Resolution T-15-2; roll call vote was unanimous for approval.

Mrs. Lucas stated that this case will be referred to City Council, who will hold a public hearing regarding the recommendations.

DECISION ITEMS

Election of Officers

Mrs. Lucas said that new officers need to be elected, and noted the past practice of officers rotating each year but stated that procedure does not have to be followed. If the standard rotation were followed, the officers would be: Mr. Rinaldi, chair; Mr. Robinson, vice-chair; and Mr. Gibson, secretary.

Mr. Rinaldi stated that he had no problem moving to the chairmanship but he will be out of town for the March, May and July meetings. Mr. Gibson stated that he had no concern with the rotation but asked how long this procedure had been followed. Mrs. Lucas stated that it had been done for

many years, but that anyone who would be uncomfortable with a position could certainly deny occupying the position.

There was a motion by Mr. Robinson and second by Mrs. Lucas to appoint the officers for 2016 as Dominic Rinaldi, Chair; Harold Robinson, Vice-Chair; and Roger Gibson, Secretary. Voice vote was unanimous for approval.

Mrs. Lucas then realized that she did not ask for disclosure of any ex parte communications regarding the public hearing case and Mr. Seifert also noted that the public hearing was not closed. Board members did not have any ex parte communications and Mrs. Lucas formally closed the public hearing.

2015 Meeting Schedule

Mrs. Lucas asked for discussion regarding the proposed 2016 meeting schedule. Being none, there was a motion by Mr. Seifert and second by Mr. Rinaldi. Voice vote approved the meeting schedule.

Appointment to Community Reinvestment Area Housing Council (CRAHC)

Mr. Gaines explained that there are Community Reinvestment Areas in the city which allow tax abatements to be granted for property improvements. The Community Reinvestment Area Housing Council (CRAHC) meets annually in order to approve a report to the state regarding inspection of existing agreements and to report any new agreements that have been created. The Planning Commission appoints one member to the CRAHC, and because Doug Williams has resigned from the Planning Commission a new appointment must be made. The CRAHC meets only once a year.

Mrs. Lucas asked if anyone would agree to volunteer. Mr. Robinson said he would be available if no one else wished to volunteer.

Mr. Gibson said he had also served as a CRAHC member previously.

Mrs. Lewis informed the board members that the council traditionally has met at 3:30 in the afternoon.

Mrs. Lucas asked what the benefits were to the city in granting a CRA Tax abatement. Mr. Gaines stated that it encourages investment in properties. Mrs. Lucas asked that if businesses have been taking advantage of the program. Mrs. Lewis stated that the majority of the commercial agreements have been new commercial construction in the southern area of the city around Fame Rd., Gargrave Rd. and S. Alex Rd.

Mr. Gaines stated that the even though it's called a Housing Council, it has mainly been an economic development tool. He said that the Comp Plan talks about adopting new CRA's to encourage investment in residential neighborhoods.

Mrs. Lewis said that the CRA map has Olde Downtown outlined as a potential CRA District 8 and has been on the map for several years. Mr. Gaines stated that it was probably added after the Comp Plan was completed.

Mr. Gibson stated that he would accept the position since he would not have to take off time from work.

There was a motion by Mr. Seifert and second by Mr. Rinaldi to appoint Mr. Gibson to the CRAHC. Voice vote approved the motion and Mr. Gibson was appointed.

DISCUSSION ITEMS

Status of Fraser Papers Property Planning

Mr. Gaines reported that he had emailed Commission members notes from the prior Planning Commission work sessions and additional notes from prior work sessions on the former Fraser Papers property. He also distributed comments by Mr. Rinaldi on potential future use of the property, and Mrs. Lucas's comments as well. He said there had been a lot of good dialogue at prior work sessions. He informed the members that he budgeted money this year to submit a grant application for planning assistance from the Montgomery County Land Bank to be used to hire a planning consultant to develop a master plan for the Fraser site. He believes what has been done to date could provide a basis for the consultant. He asked the Commission if they wished to temporarily delay any more work on the Fraser property until a grant determination is made. All members agreed.

Mrs. Lucas asked if there is some issue with new construction if the water tower remains. Mr. Gaines replied that the current thinking is that the tower should be removed. Mr. Robinson asked why it was still there. Mr. Gaines responded that it is still there due to cell phone equipment still being active on the tower.

Mr. Gibson asked if the property is for sale and how close it is to being shovel ready. Mr. Gaines replied that it is for sale, and that the latest round of cleanup work is nearing completion. However, final completion of the cleanup is contingent on identifying and securing future funding.

Mr. Gibson asked if 501(c)(3) funding established by the former Economic Development Director could be applied to the project. Mr. Gaines stated he thought that it was part of the Community Improvement Corporation funding, and that it is possible that at some point the property would be turned over to the CIC to market and develop it. Mr. Gaines said that a number of foundations have been removed and remaining debris may be down to approximately 10 percent of the site. Funding is the critical issue and it is not likely funding will be given by the Land Bank. The City must get creative in order to complete the project.

Mr. Gibson asked if there was any interest in taking down the old Friend headquarters. Mr. Gaines replied that it is not formally condemned because the city owns the property. Mrs. Lucas stated that she hoped that the project does not come to a total halt having come this far.

Report by the Director

Mr. Gaines informed the members that a new part-time secretary, Catie Damron, started about one month ago in the Building Inspection department. There will also be a second Neighborhood Inspector beginning soon. Doug Trimble, a retired West Carrollton police officer, will be a part-time inspector.

Mr. Gibson asked for the status of the Rental Inspection program. Mr. Gaines said that it has been tabled mainly due to his absence. He plans to resume the process of presenting the program in the near future. Mr. Robinson asked for the percentage of rental properties and Mr. Gaines stated he believed it was approximately 53 percent. Mr. Gibson expressed his full support for the Rental Inspection Program. Mr. Gaines thanked him for testifying at the last hearing and noted that if the Commission members would like to testify or if they know of someone in support of the program would like to testify the City would welcome it. There was a lot of opposition from the landlords and the apartment associations. There will be further public hearings as the proposal is resumed.

Mr. Gaines informed the members that the vacant nonconforming house at 227 W. Central Ave. has been demolished (which is B-2 zoning).

Mr. Gibson asked if the condemned property on Miami would be demolished. Mr. Gaines responded that because the property is in probate there is nothing that the city can do at this time to acquire the property through Expedited Foreclosure.

Mrs. Lucas asked for the status of widening Owl Creek. Mrs. Lewis reported that it was dependent on funding as well.

Briefing by City Council Representatives

Mrs. Lucas asked who the City Council representatives are and Mr. Gaines stated they were Patrick Merris, who is in attendance, and Jim Folker.

Mr. Merris said he has not received guidance from City Council as to how to present himself, but he said he was removed from the Board of Zoning Appeals and he planned to continue attending those meetings as well but not as a Council representative.

Mr. Merris asked Mr. Gaines if he could get the CIC document of incorporation, and Mr. Gaines responded affirmatively.

Unscheduled Business

Mr. Robinson asked how old the Comprehensive Plan was and Mr. Gaines stated that it was completed in 2009. Mr. Robinson asked if there had been any discussion about updating the plan since most communities do so within a five year period. Mr. Gaines said that he had discussed it with the City Manager and he had budgeted money, but it has been delayed for the past few years due to competing priorities. However, he believes the City Manager is supportive of pursuing it within the next couple years. Available funding, however, is crucial. The last Comprehensive Plan revision cost about \$50,000. Mr. Robinson stated that it was important to him to have the citizens involved.

Mrs. Lucas commented that it would also be a good idea to update the city's zoning. Mr. Gaines stated that it would best to update the Comprehensive Plan first because zoning is the tool to implement the Comprehensive Plan. Mr. Robinson said that many do not understand the Zoning Code and that perhaps a work session could be arranged to review it.

Mr. Gibson asked for an update for Sonny's LLC at Dixie and Alex-Bell. Mr. Gaines stated that the city has been working on that property for a couple years now. Staff has met with the mortgagor and it is staff's understanding that the court has ruled in her favor. However, she has not taken steps to finalize the foreclosure. Mr. Gaines stated that the mortgagor is negotiating with a potential purchaser that would be good for the city. Staff is still actively working to help resolve any remaining obstacles.

Mr. Gibson asked if the Roberd's warehouse is included in the property for sale for \$3.3 million. Mr. Gaines replied that it is included.

Mrs. Lucas asked for the status of NuVasive. Mrs. Lewis reported that there have been no building permit applications submitted but they have an occupancy permit for a temporary interview room inside the building for hiring purposes. Mr. Gaines said he had heard there would be an open house for the neighbors, which is a positive indication of the type of company NuVasive is.

Mr. Robinson asked why West Carrollton did not try to annex the property for Kroger rather than let Moraine annex it. Mr. Gaines stated annexation is very difficult now and because there is only one property owner Kroger had to deal with it made it very simple. Mr. Seifert stated that part of the shopping center is already in Moraine and Kroger purchased the entire shopping center, so it made more sense for Moraine to annex the property. Mr. Robinson said it came to mind because he doesn't recall any interest by West Carrollton to annex any other area. Mr. Gaines agreed and said the Comprehensive Plan actually addresses expanding west. Mrs. Lucas said she had been told annexation is next to impossible. Mr. Gaines said the key is to find a large property owner or an entity that can accumulate a lot of property that can then be annexed.

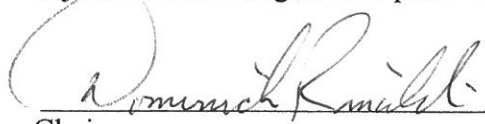
The next scheduled meeting is March 3, 2016. Mr. Gaines stated there are no applications or staff proposals at this time and it is at the Commission's discretion whether to meet. Mr. Robinson stated that he saw no reason to meet if there are no projects or applications. Therefore, the meeting is tentatively cancelled pending confirmation by staff.

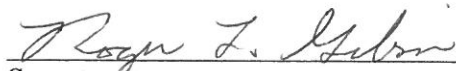
COMMENTS BY THE AUDIENCE

None.

ADJOURNMENT

There being no other business, there was a motion by Mr. Robinson and second by Mr. Seifert to adjourn the meeting at 7:48 p.m. The vote was unanimous to adjourn.


Chair


Secretary

Date 4/7/16

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