

**TROTWOOD CITY COUNCIL
MEETING MINUTES
MARCH 7, 2011**

CALL TO ORDER:

The Trotwood City Council met in their Regular Scheduled Meeting on Monday, March 7, 2011 at 7:30 p.m. in the Trotwood Community Center, 4000 Lake Center Drive, Trotwood, Ohio. Mayor Joyce Sutton Cameron invited everyone to join in the Pledge of Allegiance. Mayor Cameron invited everyone to stand for a Moment of Silence for Sgt. Mickler who died in Afghanistan, and is a 1999 graduate of Trotwood-Madison High School. Also for those who have lost their lives, family members and homes in Japan during the earthquake and the tsunami.

ROLL CALL

COUNCIL MEMBERS PRESENT: Council Member Bettye L. Gales, Council Member Rap Hankins, Council Member Nicole Johnson, Council Member Mary A. McDonald, Council Member Barbara J. Staggs, Vice-Mayor Ronald Vaughn, and Mayor Joyce Sutton Cameron.

STAFF MEMBERS PRESENT: City Manager Michael J. Lucking, Finance Director Patricia Shively, Law Director Steve McHugh, Public Works Director Thomas Odenigbo, Fire & Rescue Chief Rick Wagner, Human Resources Manager Barbara Brooks, Planning and Zoning Administrator Carl Daugherty, Building Program Manager/Code Enforcement Scott Adams, Acting Chief/Police Captain John Porter, Recreation Program Specialist Terry Lodge, Secretary to City Manager/Deputy Clerk Sandra Riege, Tyree Fields (AmeriCorps Coordinator/Special Projects), and Clerk of Council Lois M. Singleton.

VISITORS:

Bruce Kettelle, Dave Norvell, Sean J. Lehrter (Trotwood Professional Firefighters Local 4024), James D. Williams, II, Stephen H. Milliken (Trotwood Fire & Rescue), Marie Battle (Executive Director Trotwood Chamber of Commerce), Mike Gibson (Trotwood Fire & Rescue), Ernest E. Curry, Homer Williams (VFW), George Riber, Jay Young (DP&L), Sam Collier, Sr., Kenny Goodpasture, Ellsworth Szkudlarek, Janet Foote, Oscar & Totsie Holliday, Tom Grady, and Toni Coleman (Dayton Daily News).

MOTION TO APPROVE THE AGENDA:

Mayor Cameron requested a Motion to approve the agenda. Mrs. Gales moved to approve the March 7, 2011 Agenda, and seconded by Mrs. Johnson. Roll call resulted in 7 yes votes, and the Motion was approved unanimously.

PRESENTATIONS AND RECOGNITIONS:

TROTWOOD PROFESSIONAL FIREFIGHTERS UNION LOCAL 4024 – PRESIDENT SEAN LEHRTER – S.B.5: City Manager Michael J. Lucking introduced President Lehrter who is accompanied by Johnnie McCluskey, Union Steward for the Teamsters Local 957 representing Public Works, and on behalf of their members to ask for your help in stopping Senate Bill 5, legislation designed to limit collective bargaining and eliminate binding arbitration for public employees. This S.B. 5 has been passed by the Ohio State Senate. President Lehrter said the bill is sponsored by Republicans and driven by new Governor Kasich and enters the committee phase at the House of Representatives on tomorrow, and by all indications, will be pushed through quickly. We have to act now. President Lehrter said the Governor and other state officials would have you believe that eliminating public sector unions and handicapping those still in existence, the state will be able to close its \$8 billion deficit. They would also have you believe that the unions had a large part in creating that deficit and in fighting to keep bargaining rights; the unions do not care about anyone other than unions. This cannot be further from the truth. The unions recognize that Federal, State, local governments and individual citizens are struggling. The unions have proven over the past 7-8 years through their willingness to sit

down with the City Manager, utilizing the negotiation process to come up with solutions to decrease our annual budget costs by presenting cost saving ideas that only those members that truly understand the job can present. The cost savings have come in ways that are not always obvious to the public because we have been able to maintain the same, and in some cases, better services. We are now at that point where there is only personnel cost to be cut. Realizing that is why we have agreed to a combination of pay freezes, furloughs, increases in what we pay for insurance, and pay decreases. All of this occurred while chastising some union brothers who had not seen the proverbial "light" yet, and all done before the attack on unions began. Some of the bigger issues I want to mention are: 1) collective bargaining in general, 2) binding arbitration, and 3) the part of the bill that would allow employers to modify or terminate fairly negotiated contracts. There are other points relative to the attack on unions; Employees will no longer have a say in what time shifts start and end, the type of and number of hours worked, or rules and regulations just to name a few. There are two points I believe point more toward retribution than other reasons; shrinking the union's numbers would be redefining who supervisors are and forcing us to remove the fire lieutenants from our bargaining unit or lose our recognition by the state as a bargaining unit (ORC 4117.06 Sec. 6 and ORC 4117.06 Sec. 7 of revised S.B.5). The second deals with dues deductions. Under ORC 4117.09 Sec.2 of S.B.5 passed by the Senate, the union would be required to turn over yearly financial reports to the employer. This isn't taxpayer money but money paid by members and maintained for anything from legal fees to charitable contributions. Some politicians want this information for their own reasons. The public employees' unions are not the cause of the State's \$8 billion dollar deficit and we certainly are not the enemies of the taxpayer. We understand the tax overload that people are feeling as we are taxpayers ourselves. The unions in this City have demonstrated our willingness to take cuts to save jobs and help ease the City's burdens without cutting services. We have been able to accomplish all of this through the collective bargaining process that allowed for some flexibility and collective input. I'm asking for your help in defeating S.B.5, call your House of Representative members and let them know that the bill is not the best thing for Ohio. I am asking Council to show your support for its public employee union members by opposing Ohio Senate Bill 5. Thank you. Mrs. McDonald said that she supports your efforts. The work you do is important to our community. Mr. Hankins asked Council to pass a resolution in opposition to S.B.5. This will take power away from the Charter and Council. Mr. Hankins asked that the Motion be sent to the House and Senate. Thank you Sean Lehrter Local 4024 Professional Firefighters and Johnnie McCluskey, Public Works Teamsters Local 957. City Manager Michael Lucking said Sean Lehrter, Local 4024, and Johnnie McCluskey, Local 957 have always been willing to work with the City to accomplish our goals.

MOTION TO APPROVE THE CONSENT AGENDA:

The consent agenda is reserved for routine items requiring a vote of Council. Rather than vote individually on these items, they have been placed on the consent agenda allowing the Council to approve all of the items through one motion. The items on the consent agenda are as follows:

1. Council Meeting Minutes – Regular scheduled Meeting – Monday, February 7, 2011.
2. Council Meeting Minutes – Council Workshop Meeting – Monday, February 21, 2011.
3. RESOLUTION 11-25: A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE UNITED THEOLOGICAL SEMINARY AND THE YMCA OF GREATER DAYTON FOR THE OPERATION OF A SWIMMING POOL.
4. RESOLUTION 11-26: A RESOLUTION BY THE COUNCIL OF THE CITY OF TROTWOOD, OHIO, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH RIBWAY ENGINEERING IN AN AMOUNT NOT TO EXCEED \$25,000 FOR CONSTRUCTION

ADMINISTRATION AND INSPECTION SERVICES FOR THE SYCAMORE WOODS BOULEVARD BRIDGE REHABILITATION PROJECT (PROJECT 2010-03).

5. RESOLUTION 11-27: A RESOLUTION BY THE COUNCIL OF THE CITY OF TROTWOOD, OHIO, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BRANDSTETTER CARROLL IN AN AMOUNT NOT TO EXCEED \$50,000 FOR CONSTRUCTION ADMINISTRATION AND INSPECTION SERVICES FOR PHASES 3B, 3C AND 4B OF THE SALEM AVENUE REHABILITATION PROJECT (PROJECT NO. 2010-02).
6. Motion of the Trotwood City Council to schedule a public hearing on an Ordinance amending Ordinance 03-06 establishing benefits for certain non-union employees of the City of Trotwood, and to request the Law Director to draft legislation, and to declare an emergency.
7. Motion of Trotwood City Council to schedule a Public Hearing on PC Case #11-01: Request to amend the Official Zoning Map with rezoning approval of a 0.746 Acre area consisting of Parcel I.D.#'s H33-00816-0001; H33-00816-0002; H33-00816-0003 located on Devonshire Avenue; Parcel I.D.#'s H33-00816-0021 and H33-00816-0022 located on Northampton Avenue; and a portion of the publically dedicated alley contiguous with said parcels, from the "RSF-H" Residential Single-Family High Density Zoning District to the "G-B" General Business Zoning District. (See attached property Survey exhibit).
8. Motion of Trotwood City Council to schedule a Public Hearing on PC Case #11-02: Request to vacate 0.030 acre portion of publically dedicated alley way which runs North/south and is adjacent to Parcel I.D. #'s H33-00816-0001, H33-00816-0002; and H33-00816-0003 on Devonshire Avenue; and Parcel I.D.#'s H33-00816-0021 and H33-00816-0022 on Northampton Avenue (See attached alley vacation exhibit).

Mayor Cameron requested a Motion to approve the Consent Agenda. Mrs. Johnson moved to approve the Consent Agenda, and seconded by Mrs. Gales. Roll Call resulted in 7 yes votes, and the Motion was approved unanimously.

PUBLIC HEARINGS:

Mayor Cameron requested a Motion to adjourn into the Public Hearing portion of the agenda. Mrs. Staggs moved to adjourn into the Public Hearing portion of the agenda at 8:10 p.m., and seconded by Mr. Hankins. Roll call resulted in 7 yes votes, and the Motion was approved unanimously.

Mayor Cameron asked if there was anyone in the audience who would like to speak for or against any item being presented in the Public Hearing portion of the agenda. If so, would that person or persons please stand to receive the Oath. There were none.

ORDINANCE 05-11: AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP WITH REZONING APPROVAL OF 5635 W. THIRD STREET (PARCEL I.D. #H33-00810-0038), FROM "G-B" GENERAL BUSINESS ZONING DISTRICT TO THE "R-PUD" RESIDENTIAL PLANNED UNIT DEVELOPMENT ZONING DISTRICT: The Clerk of Council read the caption. Mayor Cameron requested a motion to approve Ordinance 05-11. Planning and Zoning Administrator Carl Daugherty mentioned the rezoning approval from G-B General Business to R-PUD Residential Planned Unit Development. Mrs. Gales moved to approve Ordinance 05-11, and seconded by Mrs. Johnson. Roll call resulted in 7 yes votes, and Ordinance 05-11 was approved unanimously.

ORDINANCE 06-11: AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN APPROVAL TO OCCUPY THE EXISTING SITE AND 6,200 SQ. FT. 1-STORY BUILDING AS A PLACE OF RELIGIOUS WORKSHIP AT 5635 W. THIRD STREET: The Clerk of Council read the caption. Planning and Zoning Administrator Carl Daugherty said the adoption of the plan, building treatments, and

other zoning requirements are in order. Vice-Mayor Vaughn said this will be an improvement at that location. Mayor Cameron requested a Motion to approve Ordinance 06-11. Mrs. Staggs moved to approve Ordinance 06-11, and seconded by Mrs. McDonald. Roll call resulted in 7 yes votes, and Ordinance 06-11 was approved unanimously.

Mayor Cameron requested a Motion to close the Public Hearing portion of the agenda and return to the Regular Council Meeting Agenda. Mrs. Staggs moved to close the Public Hearing portion of the agenda and return to the Regular Council Meeting Agenda at 8:55 p.m., and seconded by Vice-Mayor Vaughn. Roll call resulted in 6 yes votes, and the Motion was approved unanimously.

RESOLUTIONS:

RESOLUTION 11-17: A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE PLACEMENT OF 4.0920 ACRES OF LAND OWNED BY TERRY & DEBORAH HOHENBRINK IN AN AGRICULTURAL TAX DISTRICT, SAID PROPERTY ADDRESS BEING 720 N. SNYDER ROAD, DAYTON, OHIO 45427 (PARCEL NO. H33-02309-0082; H33-02309-0083) IN ACCORDANCE WITH O.R.C. CHAPTER 929, THE FARMLAND PRESERVATION ACT: The Clerk of Council read the caption. Law Director Steve McHugh citing the O.R.C. Chapter 929, the Farmland Preservation Act, and from the application, Item D, Nos. 1 and 2. If the land for which application is being made is less than 10 acres then: 1) attach evidence of the gross income for each of the past three years, or 2) if the owner anticipates that the land will produce an annual gross income of twenty-five hundred dollars or more, evidence must be attached showing the anticipated gross income. Law Director McHugh recommends Council could table the legislation until the next Regular Scheduled Council Meeting. Mayor Cameron requested a Motion to table Resolution 11-17 until the next Regular Scheduled Council Meeting. Mrs. McDonald moved to Table Resolution 11-17 until the next Regular Scheduled Council Meeting, and seconded by Mrs. Johnson. Roll call resulted in 6 yes votes, and the Motion to Table Resolution 11-17 was approved unanimously.

RESOLUTION 11-24: A RESOLUTION BY THE TROTWOOD CITY COUNCIL IMPOSING A MORATORIUM FOR A PERIOD OF SIX MONTHS (180 DAYS) ON THE GRANTING OF ANY PERMITS ALLOWING THE OPERATION OF SWEEPSTAKES/INTERNET CAFES WITHIN THE CITY OF TROTWOOD: The Clerk of Council read the caption. City Manager Michael J. Lucking said Law Director Steve McHugh, himself and Planning and Zoning Administrator Carl Daugherty are recommending the moratorium on Sweepstakes/Internet Cafes because there is not enough information as yet on the regulating of these proposed activities. There are two types: Internet Sweepstakes Cafes and Skill Game Centers. There is controversy as to whether these activities are legal under State Law. The Legal Test: Courts have held that "Gambling is the union of chance, prize, and consideration. Removing any of these elements and there is no gamble." Implications at the local level: Businesses are legal, provided they meet state and local laws including zoning provisions. Lack of oversight of these activities from the state has made it incumbent upon local enforcement officials (i.e. police, prosecutors) to enforce the state gambling laws. Games are often indistinguishable from traditional "slot machines". This results in disproportionate amount of time/resources to investigate complaints. Operators utilize creative means of providing "pay-outs" that push the boundaries of the law. Measures to be taken: Adoption of Zoning Regulations, Adoption of Business Regulations, Background Checks of Operators, Income Taxes, Use Moratoriums, and Adoption of Business Regulations which include licensing fees. More information is needed in order to study these new activities. There is concern that more time would be needed. Law Director McHugh and City Manager Lucking will monitor and come back for additional time if needed. Mrs. McDonald said this is smart and will protect our community. Mayor Cameron requested a Motion to

approve Resolution 11-24. Mrs. McDonald moved to approve Resolution 11-24, and seconded by Mrs. Gales. Roll call resulted in 6 yes votes, and Resolution 11-24 is approved unanimously.

OLD AND NEW BUSINESS:

Mayor:

- 1). Mayor Joyce Sutton Cameron Office Hours – Mayor Cameron is in her office on Friday – 10:00 a.m. – 12:00 noon. Please call Clerk of Council Lois M. Singleton at 854-7212 or e-mail lsingleton@trotwood.org to make an appointment with the Mayor at any time.

CITY MANAGER:

- 1). Trotwood Website: The website is continually being updated.
- 2). Recognition of Public Works Director Thomas Odenigbo and the Public Works Department for their performance during the recent Ice/Snow Event: City Manager Michael J. Lucking would like to recognize the Public Works Department for their performance in keeping the roads safe for travel in our community during the recent Ice/snow Event. Thank you for your dedication to performing above and beyond.

COUNCIL MEMBERS REPORTS:

- 1). Council Member Mary A. McDonald – I echo City Manager Lucking’s comments regarding a job well done by Public Works. You are to be commended.
- 2). Mayor Cameron agreed that Public Works should be commended for a job well done as well as Fire and Police during the recent Ice/Snow Event. Thank you all.

STAFF:

VISITORS AND COMMUNICATIONS:

MOTION TO ADJOURN:

Mayor Cameron requested a Motion to adjourn the Meeting. Mrs. Staggs moved to adjourn the meeting at 9:35 p.m., and seconded by Mrs. Johnson. The Meeting was adjourned at 9:35 p.m.

ATTEST:

APPROVED:

Lois M. Singleton, Clerk of Council

Joyce Sutton Cameron, Mayor