

**TROTWOOD CITY COUNCIL  
MEETING MINUTES  
APRIL 4, 2011**

**CALL TO ORDER:**

The Trotwood City Council met in their Regular Scheduled Meeting on Monday, April 4, 2011 at 7:00 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.

**ROLL CALL**

**COUNCIL MEMBERS PRESENT:** Council Member Bettye L. Gales, Council Member Rap Hankins, Council Member Nicole Johnson, Council Member Mary A. McDonald (Absent at roll call, joined Council at 7:10 p.m.), 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, Acting Fire & Rescue Chief/Battalion Chief William Hoover, 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:**

George Riber, Dave Norvell, Janice Chinn, James D. Williams, John Brumbaugh (Brumbaugh Engineering), Gary Tolliver (Tolliver Commercial Realty), Fred Sink, Bob Bart, Kenny Goodpasture, Ryan Birdsong, Mike Gibson (Trotwood Fire & Rescue Battalion Chief) Marie Battle (Executive Director Trotwood Chamber of Commerce), Steve Milliken (Trotwood Fire & Rescue Battalion Chief), Mike Gibson (Trotwood Fire & Rescue), Oscar & Totsie Holliday, Jay Young (Dp&L Rep), Bruce Kettelle, Tom Grady, Sam Collier, Sr., Toni Coleman (Dayton Daily News), William Richardson, Montgomery County Clerk of Courts Greg Brush, and Kymberly Brush.

**MOTION TO ADJOURN INTO EXECUTIVE SESSION IN ACCORDANCE WITH THE TROTWOOD CITY CHARTER, SECTION 3.8 MEETINGS. EXCEPTIONS 1(d) CONDUCTING OR REVIEWING NEGOTIATIONS OF BARGAINING SESSIONS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT:** Mayor Cameron requested a Motion to adjourn into Executive Session in accordance with the Trotwood City Charter, Section 3.8 Meetings. Exceptions 1 (d) conducting or reviewing negotiations of bargaining sessions, and other terms and conditions of employment. Mrs. Gales moved to adjourn into Executive Session at 7:05 p.m. in accordance with the Trotwood City Charter, Section 3.8 Meetings. Exceptions 1(d) conducting or reviewing negotiations of bargaining sessions, and other terms and conditions of employment, and seconded by Mr. Hankins. Roll call resulted in 6 yes votes, and the Motion is approved unanimously.

**MOTION TO ADJOURN THE EXECUTIVE SESSION AND RETURN TO THE REGULAR AGENDA:** Mrs. Staggs moved to adjourn the Executive Session at 7:35 p.m., and seconded by Mr. Hankins. Roll call resulted in 7 yes votes, and the Motion is approved unanimously.

**MOTION TO APPROVE THE AGENDA:**

Mayor Cameron requested a Motion to approve the agenda. Mrs. Johnson moved to approve the April 4, 2011 Agenda, and seconded by Mrs. Gales. Roll call resulted in 7 yes votes, and the Motion is approved unanimously.

**VISITORS AND COMMUNICATIONS:**

1. Janice Chinn – 5213 Weigold Ct., 45426 – Ward 2:

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- Rules to police citizens discussed in last meeting. Mr. Riber wasn't calling anyone names.
- Law Director Steve McHugh – Law Director in Beavercreek. Yes.
- City of Beavercreek voted no when requested to allow Greater Dayton RTA in Beavercreek and the Fairfield Commons Mall. RTA is the property owner for the building in our City.

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, March 7, 2011.
2. Council Meeting Minutes – Council Workshop Meeting – Monday, March 7, 2011.
3. RESOLUTION 11-29: A RESOLUTION BY THE COUNCIL OF THE CITY OF TROTWOOD, OHIO, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BADGER CONSTRUCTION IN AN AMOUNT NOT TO EXCEED \$118,000 FOR THE DEMOLITION OF TWENTY-NINE (29) RESIDENTIAL STRUCTURES.
4. RESOLUTION 11-30: A RESOLUTION BY THE COUNCIL OF THE CITY OF TROTWOOD, OHIO, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH AMERICAN PAVEMENTS IN AN AMOUNT NOT TO EXCEED \$337,698.82 FOR THE ASPHALT PAVEMENT MAINTENANCE (PROJECT 2011-01).
5. RESOLUTION 11-31: A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE CITY MANAGER TO DECLARE THE TROTWOOD FIRE AND RESCUE DEPARTMENT'S 1981 PIERCE ARROW FIRE ENGINE (VIN NUMBER 10T9M9AX3B1019737) AS SURPLUS AND TO DONATE THE ENGINE TO THE MIAMI VALLEY CAREER TECHNOLOGY CENTER.

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

PUBLIC HEARINGS:

Mayor Cameron requested a Motion to adjourn into the Public Hearing portion of the agenda. Mrs. Gales moved to adjourn into the Public Hearing portion of the agenda at 7:55 p.m., and seconded by Mr. Hankins. Roll call resulted in 7 yes votes, and the Motion is 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? Mayor Cameron administered the oath.

ORDINANCE 08-11: AN ORDINANCE AMENDING ORDINANCE 03-06 ESTABLISHING BENEFITS FOR CERTAIN NON-UNION EMPLOYEES OF THE CITY OF TROTWOOD, OHIO, AND DECLARING AN EMERGENCY:

The Clerk of Council read the caption. City Manager Michael J. Lucking said this matter is being declared an emergency for budgetary purposes. The amendment increases the non-union employees co-pay for health insurance from 10% to 11% of premium in 2011. In 2012, the non-union employee co-pay will increase from 11% of premium to 13% of premium. The proposed increases are consistent with health insurance co-pay provisions recently negotiated with all City of Trotwood collective bargaining units. Mayor Cameron requested a motion to approve Ordinance 08-11. Mr. Hankins

moved to approve Ordinance 08-11, and seconded by Mrs. Staggs. Roll call resulted in 7 yes votes, and Ordinance 08-11 is approved unanimously.

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, AND 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: The Clerk of Council read the caption. Planning and Zoning Administrator Carl Daugherty said Rezoning Approval is required for a total of 0.746 acres. The Applicant/Owner is Robert Bach, 5518 W. Third Street, Trotwood, OH 45417. The rezoning changes would allow for the eventual replat and property development of a 1.74 acre site into a 9,235 sq. ft. Dollar General Retail Store. The surrounding zoning: North: RSF-H; South: G-B; East: RSF-H; and West: RSF-H. Surrounding land uses: North-vacant residential building lots; South – vacant undeveloped commercial building lots; East – Devonshire Avenue (Single-family use); and West – Northampton Avenue (Single-Family use). The proposed structure will feature a 58' front yard setback from the West Third Street Corridor right-of-way line. Required access to and from the site is from Northampton Avenue, located along the west portion of the site. The applicant has submitted a dual request for the portion of the publically dedicated north-south alley to be vacated as a public right-of-way. The portion of the redevelopment site which is the subject of the rezoning request (0.746 acres) is located in the Drexel neighborhood, an area which is in steady physical decline and rapidly transitioning from its original residential land use pattern. Of the twenty-two residentially-platted building lots comprising the Northampton and Devonshire block faces between W. Third Street and Lorimer to the north, thirteen of the homes have been demolished, leaving nine intact single-family homes on the two block faces. The City's on-going nuisance abatement efforts are significantly drawn to the Drexel area. The Planning Commission approved the rezoning request at their February 22, 2011 Planning Commission Meeting. The Council is requested to approve or deny the rezoning. Staff is recommending approval of the request. Mrs. McDonald asked how many residential homes in the area. There are 9 homes in a 2 block area. Current zoning is RSF-H Residential Single-Family High Density Zoning District. The Current land use is vacant undeveloped acreage. Mr. Gary Tolliver, Tolliver Commercial Realty, 5577 Hugh Drive explained his process in providing the land for redevelopment. Mrs. McDonald asked about other Dollar General Retail Stores in the area. They can normally be in a one mile radius. The other Dollar General is next door to Burlington Coat Factory. Vice-Mayor Vaughn asked if Dollar General can stand up against Wal-Mart. Yes we can. We will hire 10-12 full time employees and part time help. The Developer will own the store and Dollar General will lease the property. John Brumbaugh, Brumbaugh Engineering, 1105 S. Main Street, West Milton, OH 45371, said the building will cost \$800,000.00 for the building only. Detention pond will be constructed. Mayor Cameron requested a Motion of Council to request the Law Director draft legislation. Vice-Mayor Vaughn moved to request the Law Director draft legislation, and seconded by Mrs. Gales. Roll call resulted in 7 yes votes, and the Motion is approved unanimously.

PC CASE #11-02: REQUEST TO VACATE 0.030 ACRE PORTION OF PUBLICALLY DEDICATED ALLEYWAY 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: The Clerk of Council read the caption. Planning and Zoning Administrator Carl Daugherty said the location is 80' x 16.5' portion of dedicated north/south alley along south end between Devonshire and Northampton, north of W. 3<sup>rd</sup> Street. Applicant/Owner is Robert Bach, 5518 W. Third Street, Trotwood, OH 45417. The description site is the proposed partial alley vacation pertaining to a north/south alley which runs parallel between the

first block of Devonshire and Northampton, north of W. Third Street. Land Use Request: The request for partial alley vacation is being undertaken concurrently with a rezoning request by the owner of record. Both actions are requested in order to facilitate the eventual replat and property redevelopment of a 1.74 acre site into a 9,235 sq. ft. Dollar General Retail facility. Discussion: The south portion of the 16.5' dedicated north/south alley which is the subject of the vacation request does not provide ingress and egress to residents of Northampton and Devonshire. Required access for area residents is provided at the north end of the alley, which terminates onto Lorimer Street. Staff has confirmed with Mr. Tom McCormick of Vectren, the existence of a 2" natural gas line serviced and maintained by Vectren, and located along the full length of the north/south alley south of Lorimer which runs perpendicular to the previously vacated east/west alley. Given the presence of the utility, the applicant should grant a 16.5' general utilities easement to Vectren as a condition of the alley vacation. Also existing along the alley are overhead power lines serviced and maintained by Dayton Power & Light. DP&L should likewise be the recipient of a general utilities access easement. In review of the alley vacation request by the City Engineer, no objections to the vacation were put forth.

The Planning Commission reviewed the request at their February 22, 2011 Meeting, and voted to recommend the rezoning request to Council for approval of the alley vacation. Council would either approve or deny the Alley Vacation. Staff is recommending Council's approval of the alley vacation. Within the Plat of Survey, the applicant designates an access and general utilities easement for the portion of the alley to be vacated to Vectren. Within the Plat of Survey, the applicant designates an access and general utilities easement for the portion of the alley to be vacated to Dayton Power & Light.

Mayor Cameron requested a Motion of Council to request the Law Director Draft legislation. Mrs. McDonald moved to request the Law Director Draft legislation, and seconded by Mrs. Johnson. Roll call resulted in 7 yes votes, and the Motion is 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 8:20 p.m., and seconded by Mrs. Gales. Roll call resulted in 7 yes votes, and the Motion is approved unanimously.

#### RESOLUTIONS:

RESOLUTION 11-32: A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE A WAGE AGREEMENT BETWEEN THE CITY OF TROTWOOD, OHIO AND THE TROTWOOD PROFESSIONAL FIREFIGHTER IAFF LOCAL 4024 FOR THE PERIOD OF JANUARY 1, 2011 THROUGH DECEMBER 31, 2012: The Clerk of Council read the caption. Human Resources Manager Barbara Brooks said the agreement would provide an immediate lump sum payment of \$500.00 to all full time Firefighters/EMT's and provide for a 2% COLA adjustment in 2012. This action is consistent with the recent agreement signed with the Trotwood Patrolman's bargaining unit as mandated as a result of binding arbitration process. Mayor Cameron requested a Motion to approve Resolution 11-32. Mrs. Johnson moved to approve Resolution 11-32, and seconded by Mr. Hankins. Roll call resulted in 7 yes votes, and Resolution 11-32 is approved unanimously.

RESOLUTION 11-33: A RESOLUTION BY THE TROTWOOD CITY COUNCIL ADOPTING A TRAVEL POLICY FOR CITY EMPLOYEES AND ELECTED OFFICIALS: The Clerk of Council read the caption. Council would like more review of the Travel Policy. Vice-Mayor Vaughn asked who are the Finance Committee Members. Section E and F should be removed. Mrs. McDonald would like to go through each item for discussion. Mayor Cameron requested a Motion to Table Resolution 11-33. Mrs. McDonald moved to Table Resolution 11-33, and seconded by Mr. Hankins. Roll call resulted in 7 yes votes, and

Resolution 11-33 is Tabled until the Council Workshop Meeting for more discussion. The Motion is approved unanimously.

RESOLUTION 11-34: A RESOLUTION BY THE TROTWOOD CITY COUNCIL APPROVING AND ADOPTING THE TECHCONNECTION MASTER PLAN: The Clerk of Council read the caption. The Master Plan will serve as the template for the redevelopment of the former Salem Mall site. The document will provide the City the ability to plan, market and fundraise for the TECHCONNECTION site. Mrs. McDonald asked what is a reasonable time to expect to see something happening on the site. The roadway within the next 18 months. Mayor Cameron requested a Motion to approve Resolution 11-34. Mrs. Johnson moved to approve Resolution 11-34, and seconded by Mrs. Staggs. Roll call resulted in 7 yes votes, and Resolution 11-34 is approved unanimously.

RESOLUTION 11-35: A RESOLUTION BY THE COUNCIL OF THE CITY OF TROTWOOD, OHIO, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MARKET METRICS LLC IN AN AMOUNT NOT TO EXCEED \$12,000.00 FOR A TOTAL COST NOT TO EXCEED \$13,200.00 FOR PROFESSIONAL SERVICES RELATED TO THE TECHCONNECTION MASTER PLAN: The Clerk of Council read the caption. City Manager Michael J. Lucking said Mr. Doug Harnish will provide professional services under the terms of the agreement. The analysis will determine the potential absorption rate for the property and the target market rate for rent and lease cost based upon the current regional marketplace and Trotwood's place in the market. Mr. Hankins asked if the Industrial Park will be included in this analysis. There is no plan to do so, but we can discuss. Mayor Cameron requested a Motion to approve Resolution 11-35. Vice-Mayor Vaughn moved to approve Resolution 11-35, and seconded by Mr. Hankins. Roll call resulted in 7 yes votes, and Resolution 11-35 is approved unanimously.

OLD AND NEW BUSINESS:

Mayor:

- 1). Mayor Joyce Sutton Cameron Office Hours – Please call Clerk of Council Lois M. Singleton at 854-7212 or e-mail [lsingleton@trotwood.org](mailto: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). Reminder: Upcoming Levy Walk – Ward 1 – Renewal of the General Operating Levy 5.75 mills on May 3<sup>rd</sup> Election Ballot, Issue 11. Walk planned for April 5<sup>th</sup> @ 5:00 P.m. to hand out literature.
- 3). Adopt-A-Road Update – April 16, 2011 – Next clean up date. Currently 19 groups are involved. Groups receive safety training, safety vest, litter pickers, and bags. Roads are cleaned three times a year. Groups are needed, call Recreation Department, Terry Lodge, Recreation Program Specialist, 854-7217.
- 4). Easter Egg Hunt – April 16, 2011 – Madison Park, 301 South Broadway, start at 10:00 a.m. Event is free. Children 10 and under. Special prizes will be given in addition to candy filled eggs.

- 5). Swimming Pool Passes – Pool opens Saturday, May 28 – pool open daily noon to 7:00 p.m. Purchase Season passes at the Trotwood YMCA. Cost for Trotwood Residents are: \$99.00 for family, \$79.00 for Adults, and \$49.00 for Youth and Seniors.

PRESENTATIONS AND RECOGNITIONS:

PRESENTATION MONTGOMERY COUNTY CLERK OF COURTS GREG BRUSH – E-FILE COURT DOCUMENTS – (15 MINS.): Montgomery County Clerk of Courts Greg Brush talked about Electronic filing for civil documents at the court. Montgomery County was paying \$330,000.00 per year to store files. Case files and docketing files are completed and you may retrieve them through E-files. Montgomery County Courts have lost 30% of the staff. With E-file, you may grab the data and send it to the Common Pleas Court. If you have questions, you may contact his office. There have been no lay-offs with the program. Montgomery County Clerk of Courts Greg Brush gifted everyone with a toothbrush. He started that when people couldn't spell his name. Mrs. McDonald thanked Montgomery County Clerk of Courts Greg Brush for the gift of a toothbrush. Mayor Cameron thanked Montgomery County Clerk of Courts Greg Brush for coming out this evening to share the information and is sorry that he had to find another route around the Sycamore Woods Bridge construction which caused his delay.

COUNCIL MEMBERS REPORTS:

- 1). Council Member Nicole Johnson – The JROTC Military Ball – April 16<sup>th</sup>. What is the place and time of the event.
- 2). Council Member Bettye L. Gales – Reminder that we are 7 months late in evaluating the City Manager. Mayor Cameron is working with Human Resources Manager Barbara Brooks and the process is in hand.
- 3). Council Member Mary A. McDonald – Thank you Council for working together to move Visitors Communication up on the agenda.
- 4). Vice-Mayor Ron Vaughn – is pleased with the location of the podium.

STAFF:

MOTION TO ADJOURN:

Mayor Cameron requested a Motion to adjourn the Meeting. Mrs. Gales moved to adjourn the meeting at 8:45 p.m., and seconded by Mrs. McDonald. The Meeting was adjourned at 8:45 p.m.

ATTEST:

APPROVED:

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Lois M. Singleton, Clerk of Council

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Joyce Sutton Cameron, Mayor