

**TROTWOOD CITY COUNCIL
MEETING MINUTES
MAY 18, 2009**

The Trotwood City Council met in their Regular Scheduled Meeting on Monday, May 18, 2009 at 6:30 p.m. in the Trotwood Community Center, 4000 Lake Center Drive, Trotwood, Ohio. Mayor Darreyl D. Davis asked everyone to join in the Pledge of Allegiance followed by a moment of silence.

ROLL CALL

Council Members present: Vice-Mayor Joyce Sutton Cameron, Council Member Bettye L. Gales, Council Member Rap Hankins, Council Member Mary A. McDonald, Council Member Barbara J. Staggs, Council Member Ronald Vaughn, and Mayor Darreyl D. Davis.

Staff Members present: City Manager Michael J. Lucking; Law Director Steve McHugh, Acting Finance Director Patricia Shively, Fire Chief Eugene C. Lutz, Economic Development Administrator Rhonda Finley, Planning and Zoning Administrator Carl Daugherty, Human Resources Manager Barbara Brooks, Engineering Technician/Parks Maintenance, Building & Grounds Thomas Long, Captain John Porter, Secretary to City Manager/Deputy Clerk of Council Sandy Riege and Clerk of Council Lois M. Singleton.

VISITORS:

Theodore C. Fowler, Shenease Howell, BreAnna Howell, Aubrey Moorman, Luke Gosnell, Andria Gosnell, Commander Wesley Willis (VFW Post 4270), James D. Williams II, Dave Norvell, William Krest, Rev. H. Arnold, Bennie J. McRae, Ellsworth Szkudlarek, Mike Lau, Lucille Cosby, Barbara Higgins, Timothy Cargo, Sr., Ralph Heist, Linda Weaver, Gayle Gibbons, George Riber, Shirley B. Barber, Bruce Kettelle ((former Council Member, Totally Trotwood), Mattie Clay, Pat Daugherty, John T. Fecke, Janice Chinn, Charles Hughes, Rosetta Hughes, Jack Lewis, Pat Lewis, Pete & Bonnie Cummings, Janet Foote, Ken Ullery, George Tyler, Richard Farncomb, James Kline, Victor Nelson, Rozella Nelson, Vicky Nelson, Oscar Holliday (former Council Member), Totsie Holliday, Barbara A. Brooks, Harold Brooks, Tom Grady, Jamie Fant, George Weitendorf, Glenda Griffin, Paul Kimbrough, Marjorie Townes, Brendalee Roseman, Mable Hardy, Toni Coleman (Dayton Daily News), Thomas Clay, Eloise McCray, and Kathleen Ktanbic.

MOTION TO ADJOURN INTO EXECUTIVE SESSION IN ACCORDANCE WITH THE TROTWOOD CITY CHARTER, SECTION 3.8 MEETINGS. EXCEPTIONS 1(a) PERSONNEL RELATED ITEMS:

Mr. Hankins moved to adjourn into executive session at 6:30 p.m., in accordance with the Trotwood City Charter, Section 3.8 Meetings. Exceptions 1(a) personnel related items, and seconded by Mrs. Staggs. Roll call resulted in 7 yes votes, and the Motion was approved unanimously.

MOTION TO ADJOURN THE EXECUTIVE SESSION AND RETURN TO THE REGULAR AGENDA:

Mr. Hankins moved to adjourn the executive session at 7:30 p.m., and return to the regular agenda, and seconded by Vice-Mayor Cameron. Roll call resulted in 7 yes votes, and the Motion was approved unanimously.

PRESENTATIONS AND RECOGNITIONS:

PROCLAMATION – NEURO-FIBROMA-TOSIS (NF) AWARENESS MONTH – MAY 2009: Mayor Darreyl D. Davis read the proclamation requested by Mayor Bill Brooks of Belle Isle, Florida. Mayor Brooks' daughter is suffering with this disease. The disease is not well known, but is very debilitating. Council Member Rap Hankins is on the National League of Cities Board of Directors and the request was made through his board. The proclamation will be mailed to Mayor Bill Brooks in Belle Isle, Florida.

CONSENT AGENDA:

This 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, May 4, 2009.
- 2). Council Meeting Minutes – Workshop Scheduled Meeting- Monday, May 11, 2009.
- 3). Council Meeting Minutes – Special Scheduled Meeting – Monday, May 11, 2009.
- 4). RESOLUTION 09-43: A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE PLACEMENT OF 19.000 ACRES OF LAND OWNED BY NICOLE DOWNING IN AN AGRICULTURAL TAX DISTRICT, SAID PROPERTY ADDRESS BEING 830 N. UNION ROAD, DAYTON, OHIO 45427-1521(PARCEL NO. H33-02310-0008) IN ACCORDANCE WITH O.R.C. CHAPTER 929, THE FARMLAND PRESERVATION ACT.
- 5). RESOLUTION 09-44: A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE PLACEMENT OF 63.742 ACRES OF LAND OWNED BY THOMAS E. & ELIZABETH SPATZ IN AN AGRICULTURAL TAX DISTRICT, SAID PROPERTY ADDRESS BEING SHILOH SPRINGS ROAD, MONTGOMERY (PARCEL NO. H33-02107-0066) IN ACCORDANCE WITH O.R.C. CHAPTER 929, THE FARMLAND PRESERVATION ACT.
- 6). RESOLUTION 09-45: A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE CITY MANAGER TO AWARD A CONTRACT FOR THE DEMOLITION OF THOSE STRUCTURES LOCATED AT 4787 SALEM AVENUE AND 5190 SALEM AVENUE AND TO BADGER CONSTRUCTION IN AN AMOUNT NOT TO EXCEED \$33,688.00.
- 7). RESOLUTION 09-46: A RESOLUTION BY THE TROTWOOD CITY COUNCIL GRANTING AN EASEMENT TO VERIZON NORTH INCORPORATED FOR THE PURPOSE OF RELOCATING UTILITIES LOCATED AT THE REAR PROPERTY LINE OF 4448 TALCOTT TRAIL ALONG THE EXISTING DRAINAGE DITCH FOR A LENGTH OF 155.86 FEET AND AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO GRANT THE EASEMENT.
- 8). RESOLUTION 09-47: A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE PLACEMENT OF 17.500 ACRES OF LAND OWNED BY DIANE LYNN HOOVER IN AN AGRICULTURAL TAX DISTRICT, SAID PROPERTY ADDRESS BEING 7871 W. THIRD STREET, DAYTON, OHIO 45427-1442 (PARCEL NO. H33-02309-0011) IN ACCORDANCE WITH O.R.C. CHAPTER 929, THE FARMLAND PRESERVATION ACT.

Mayor Davis requested a Motion to approve the Consent Agenda. Mrs. Staggs moved to approve the Consent Agenda, and seconded by Mr. Hankins. Roll Call resulted in 7 yes votes, and the Motion was approved unanimously.

RESOLUTIONS:

RESOLUTION 09-48: A RESOLUTION BY THE CITY OF TROTWOOD, OHIO OBJECTING TO THE RENEWAL OF THE LIQUOR PERMIT ISSUED BY THE DIVISION OF LIQUOR CONTROL TO HIGGINS STATION, 420 E. MAIN STREET, TROTWOOD, OHIO 45426: The Clerk of Council read the caption. City Manager Michael J. Lucking said the City is objecting to the reissuance of the Higgins Station liquor permit based upon past incidents which have occurred at this establishment including a shooting/homicide and lewd activity. We believe this facility is of detriment to the health, safety and welfare of the City of Trotwood residents. Captain John Porter said the Police Department has been tracking numerous problems over the last 1 ½ years including a shooting in December 2008. The Police Department is working with the owner to curtail the issues which include underage drinking and other adult activities. Mrs. McDonald asked about the timing to curtail the issues looking at the numerous police calls to the location. Mayor Davis requested a motion to approve Resolution 09-48. Mr. Hankins moved to approve Resolution 09-48, and seconded by Vice-Mayor Cameron. Roll call resulted in 7 yes votes, and Resolution 09-48 was approved unanimously.

RESOLUTION 09-49: A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE CITY MANAGER TO AWARD A CONTRACT FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE SHILOH SPRINGS/SALEM AVENUE INTERSECTION IMPROVEMENT PROJECT (PROJECT NO. 2009-01, PID NO. 77845) TO RIBWAY ENGINEERING GROUP, INC. IN AN AMOUNT NOT TO EXCEED \$88,000.00: The Clerk read the caption. City Manager Michael J. Lucking said this contract is recommended for award as a result of a qualifications based review of Ribway Engineering and a negotiated price agreement for services to be rendered in the Construction Administration and Inspection of the Salem Avenue/Shiloh Springs Intersection Improvement Project. This project will begin June 1, 2009, and a substantial portion of Salem Avenue will be under construction. The project is south of Turner Road to Denlinger Road. Mayor Davis requested a Motion to approve Resolution 09-49. Mr. Hankins moved to approve Resolution 09-49, and seconded by Mrs. Staggs. Roll call resulted in 7 yes votes, and Resolution 09-49 was approved unanimously.

OLD AND NEW BUSINESS:

Mayor:

- 1) Mayor Darreyl D. Davis Office Hours – please call the Clerk of Council at 854-7212 or e-mail Mrs. Singleton at lsingleton@trotwood.org to schedule a meeting at any time that is convenient.
- 2) Trotwood Youth & Teen Preliminary Talent Contest 2009: Youth ages 19 and under are invited to participate at the High School Auditorium, 4400 N. Union Road on Saturday, June 6, 2009 at 10:00 a.m. Registration deadline is Friday, May 29, 2009. Individual acts 12 & under; 13-19 years of age. Group acts are 12 & under; 13-19 years of age. The top three winners, all categories combined will represent Trotwood in the Miami Valley Youth & Teen Regional Talent Contest on Wednesday, August 5, 2009 at the Frazee Pavilion in Kettering, OH. There will be three cash prizes. Contact Trotwood Parks and Recreation for more information.
- 3) Trotwood Summer Expo: Madison Park Elementary School, Thursday, May 28, 2009 6:00-7:30 p.m. Participants are: Kleptz YMCA, Boy & Cub Scouts, Trotwood SAY Soccer, Dayton Center Courts, Trotwood Tae Kwon Do, Wee Rams Football League, Girl Scouts of Western Ohio, Trotwood Parks & Recreation, All American Youth Activities, Roberta Lynn's School of Dance, Trotwood Karate (Mark Hill-Instructor), Residence in Praise Fine Arts Center, Ohio T-Red (Pee Wee

Football League), Dayton Metro Library Trotwood Branch, Montgomery County Parks & Recreation, and YMCA Neighborhood Development Center.

- 4) Mayor's Community Dialogue – Tuesday, May 19th 6:30-8:30 p.m. at the T-M Senior High School in the Auditorium. Trotwood City Council, T-M School Board will participate. This will be an Open Forum.
- 5) Auditor of State – Award Trotwood-Madison School District Treasurer Diane Whitt Award of Excellence at the May 21, 2009 Board Meeting for the 2007 school year.

CITY MANAGER:

- 1) Reminder for citizens to use the Trotwood Website - www.trotwood.org
- 2) Second Trotwood Leadership Academy Graduation – Thursday, May 28, 2009 at St. Margaret Episcopal Church – 5:30-8:00 p.m.

COUNCIL MEMBERS COMMENTS:

Council Member Rap Hankins:

Discount Prescription Plan through National League of Cities – 43

Prescriptions were purchased in the City of Trotwood since the plan began.

\$549.21 has been saved to date. 31% has been saved. 23 citizens used cards.

One City saved over \$3,000.00 in the United States.

Salem Chrysler Jeep -owned by Mary Kay Zappia and sons is one of the 800

Chrysler dealers across the country that is scheduled to close. I am requesting Clerk of Council Singleton to write the letter for Mayor and Trotwood City Council signatures to the probate court in New York. This court is coordinating the closures.

Council Member Mary McDonald:

Greyhound Bus Terminal Relocation - approximately 20 representatives attended the Greater Dayton RTA Board Meeting last week to voice their objections to the relocation to Trotwood. Continue in representing the community. I commend you.

Get the Edge Month – Ward 4: Mrs. McDonald asked citizens to step up and take responsibility in your community.

Litter Issues in the community: Take responsibility if you see someone throw litter from their car and telephone Litter Control.

COUNCIL MEMBER RONALD VAUGHN:

I spent the day with Chris Hayward and ACTGRO in Townview. They are a community who takes responsibility. I gave her the batteries for the golf cart as promised. They are a small number of people, but get many projects completed. I admire Chris and the group.

Mrs. McDonald is proud of Chris Hayward and ACTGRO as well. They are in Ward 4.

POLICE CHIEF QUINCY E. POPE, SR. – TRANSFER OF LIQUOR PERMIT – FROM: 8 BALL & WINGS, INC. DBA 8 BALL & WINGS, 4601 SALEM AVENUE, BLDG. G, TROTWOOD, OHIO 45416 TO: 7 BALL & WINGS TROTWOOD LLC DBA 8 BALL & WINGS, BLDG. G, 4601 SALEM AVENUE, TROTWOOD, OHIO 45416: Captain John Porter said there is no hearing requested on the liquor permit transfer. Law Director Steve McHugh recommended that Mayor and Council accept the transfer without comment. Mrs. McDonald moved to accept the transfer of the liquor permit without comment, and seconded by Mrs. Gales. Roll call resulted in 7 yes votes, and the Motion was approved unanimously.

VISITORS AND COMMUNICATIONS:

THEODORE C. FOWLER – 5113 WEDDINGTON DRIVE, 45426, WARD 2: The relocation of the Greyhound Bus Terminal as owned by the Greater Dayton RTA questions have been asked and answered. This subject continues to distract this body. In St. Matthew, Chapter 13, Verse 13, paraphrased, speaks in parables so that they understand. Let's create the parables of the buses so that the multitude can understand the facts of the RTA deal with Greyhound. Most people will fade away eventually. Let's get back to running this dynamic City.

JAMES D. WILLIAMS – 4538 FREUDENBERGER AVENUE, 45427, WARD 4: Amen to Mr. Fowler's comments. He is tired of hearing about Greyhound.

Higgins Station issues have escalated. Help them get better control. Let's keep their doors open.

I clean up 4 blocks of Freudenberger. What do we do with the tires which outnumber the other trash? Rumpke can't or won't pick the tires up. I took 60 tires to the Center in Moraine, but they won't accept more tires from me. What can be done?

Mrs. McDonald asked what can be done about the tires. City Manager Michael J. Lucking will research the tires.

LUKE GOSNELL – 348 SOUTH BROADWAY, 45426, WARD 3: Put your minds at ease. I will not tolerate the issues at Higgins Station. I am the owner. I will get the issues back under control. I have been in business since 1981. I will help everyone get through it.

GEORGE RIBER – 8 CAISSON STREET, 45426, WARD 3: I have been a resident since 1959; we had a great village and a great mall. RTA brought kids over there and ran the business away. If Greyhound Bus Terminal is relocated here, we will have less business. Thanks for letter.

GAYLE GIBBONS – 2373 N. SNYDER ROAD, 45426, WARD 3: People are intimidated. They are told to be good. If you want respect you have to earn it. You need a system, red light, green light for speakers. Some get more minutes than others. Sheds have been broken into on N. Snyder Road. The Police Department came right out and did a good job. I am proud of the Police Dept. Thank you.

JANICE CHINN – 5213 WEIGOLD CT. 45426, WARD 2: Mayor and right side of dais, shame, shame, shame. You have not been faithful. You have been in conversation with RTA for awhile. Mayor Davis we will wait to hear from you. Mayor, Staggs and Cameron are on the Board of Zoning Appeals. The Police Department can't solve the crimes when someone breaks into your property.

JOHN T. FECKE, 7554 LITTLE RICHMOND ROAD 45426, WARD 3: Thank Council Member Vaughn and McDonald for working with the Townview Watch. Move the podium. RTA and Greyhound – what will they do for Trotwood.

CHARLES HUGHES – 7580 OLD DAYTON ROAD 4527, WARD 3:
Resolution 09-43–questioned acreage.

Break-ins on Old Dayton Road, Little Richmond Road and N. Snyder Road – a particular area of Ward 3. I have a licensed gun.

Police Department – when you catch criminals, don't babysit them. Let's work with the Police Dept.

RALPH HEIST – 5293 OAKES ROAD, CLAYTON 45315, WARD 1: Oakes Road Homeowners Association brought in petition regarding work needed on Oakes Road. There is a sign needed to be replaced. The work has not been done and nor has the sign been replaced. Public Works Dept. – telephone system doesn't seem to work. The sign is at Breckenridge that needs replaced. It was knocked down during snow event. I would appreciate someone taking care of these issues.

MOTION TO ADJOURN:

Mrs. Staggs moved to adjourn at 8:30 p.m., and seconded by Mrs. McDonald. Roll call resulted in 7 yes votes, and the Motion was approved unanimously.

ATTEST:

APPROVED:

Lois M. Singleton, Clerk of Council

Darreyl D. Davis, Mayor