

**TROTWOOD CITY COUNCIL
MEETING MINUTES
JULY 18, 2011**

CALL TO ORDER:

The Trotwood City Council met in their Regular Scheduled Meeting on Monday, July 18, 2011 at 7:30 p.m. in Ward 3 at Larch Tree Golf Club, 2765 North Snyder Road, 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, 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, Police Chief Quincy Pope, Fire & Rescue Chief Rick Wagner, Public Works Director Thomas Odenigbo, Human Resources Manager Barbara Brooks, Planning and Zoning Administrator Carl Daugherty, AmeriCorps Coordinator Leadership Trotwood and Special Projects, and Clerk of Council Lois M. Singleton.

VISITORS:

William Krest, James D. Williams, Dave Norvell, Lyndell Lawson, Bruce Kettelle, Marie Battle (Trotwood Chamber Executive Director), Nicole Bender, Anthony Page, Steve Milliken (Battalion Chief), Jack Lewis, Pat Lewis, Tom Grady, Sam Collier, Sr., and Sherry Thompson.

MOTION TO APPROVE THE AGENDA:

Mayor Cameron requested a Motion to approve the agenda. Mrs. Johnson moved to approve the July 18, 2011 Agenda, and seconded by Mr. Hankins. Roll call resulted in 7 yes votes, and the Motion is approved unanimously.

VISITORS AND COMMUNICATIONS:

1. Lyndell Lawson – 8 Elmore Street 45426– Ward 1:
 - New resident in the community. Moved to community from upstate New York. Happy to be in Trotwood. Former businessman and want to become involved in the community. Perhaps start a business in future. Please advise if Council thinks he can help in some way.
2. William Krest – 2488 Diamond Mill Road, Brookville, OH 45309 – Ward 3:
 - Lost power during the last storm. Need DP&L to trim trees in our area. That is causing the outages. Perhaps the Administration could talk to DP&L about trimming trees.

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, May 2, 2011.
2. Council Meeting Minutes – Council Workshop Minutes – Monday, May 16, 2011.

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. McDonald moved to adjourn into the Public Hearing portion of the agenda at 7:50 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? There were none.

1). PUBLIC HEARING ON PC CASE #11-06: ADOPTING CHAPTER 1174 "P/O-S" PARK/OPEN SPACE ZONING DISTRICT, INCLUDING DESIGNATION OF A SCHEDULE OF PRINCIPALLY PERMITTED AND CONDITIONALLY PERMITTED USES UNDER APPENDIX A OF THE ZONING CODE, AND ADDING THE FOLLOWING DESIGNATED USES:

- (a) "COMMUNITY GARDENS", AS PRINCIPALLY PERMITTED USED IN THE "R-E" RURAL ESTATES AND "A" AGRICULTURE ZONING DISTRICTS; AND AS CONDITIONALLY PERMITTED USES IN THE "RSF-H", "RSF-M", AND "RSF-L" RESIDENTIAL SINGLE-FAMILY ZONING DISTRICTS, AS WELL AS THE "R-TF" RESIDENTIAL TWO-FAMILY, "R-FF" RESIDENTIAL FOUR-FAMILY, THE "RMF-L" RESIDENTIAL MULTI-FAMILY, LOW DENSITY, THE "RMF-H" RESIDENTIAL MULTI-FAMILY, HIGH DENSITY ZONING DISTRICTS.
- (b) ARBORETUM, BOTANICAL GARDEN, GREENHOUSE CONSERVATORY", AS CONDITIONALLY PERMITTED USES IN THE "C-R" COMMERCIAL RECREATION AND "A" AGRICULTURE ZONING DISTRICTS.
- (c) "DOG PARK", AS CONDITIONALLY PERMITTED USE IN THE "L-I" INDUSTRIAL AND "A" AGRICULTURE ZONING DISTRICTS.
- (d) "NATURE PRESERVE", AS A PRINCIPALLY PERMITTED USE IN THE "A" AGRICULTURE ZONING DISTRICT.

The Clerk of Council read the caption. City Manager Michael J. Lucking asked that the public hearing matter be tabled due to a deficiency in the public notice. Mayor Cameron requested a motion to table the public hearing matter before Council this evening. Vice-Mayor Vaughn moved to table the Public Hearing Matter before Council, and seconded by Mrs. Gales. Roll call resulted in 7 yes votes, and Tabling of the Public Hearing matter before Council is approved unanimously.

2). PUBLIC HEARING ON PC CASE #11-06: ADOPTING ZONING TEXT AMENDMENTS TO SECTION 1175.10 [BUFFERYARD REQUIREMENTS], WITHIN THE TROTWOOD ZONING CODE.

Law Director Stephen McHugh said this Public Hearing matter is in the same section of the Zoning Code, and therefore was considered in the same motion to table.

Mayor Cameron requested a Motion to close the Public Hearing portion of the agenda and return to the Regular Council Meeting Agenda. Mrs. McDonald moved to close the Public Hearing portion of the agenda and return to the Regular Council Meeting Agenda at 7:53 p.m., and seconded by Mr. Hankins. Roll call resulted in 7 yes votes, and the Motion is approved unanimously.

RESOLUTIONS:

1).RESOLUTION 11-43: A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO PARTICIPATE IN THE LOCAL TRANSPORTATION IMPROVEMENT PROGRAM, PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION (OPWC) STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM, ROUND 26; COMMITTING CITY MATCHING FUNDS AND TO EXECUTE CONTRACTS AS REQUIRED IN CONNECTION WITH THE SANITARY SEWER CROSS CONNECTION (MARIO PLAT). The Clerk of Council read the caption. City Manager Michael J. Lucking said this capital improvement will correct a cross connection between a sanitary sewer line and stormwater line in Mario Plat. The problem is due to an old design/construction error that was recently discovered. If not corrected said Public Works Director Thomas Odenigbo, the Ohio EPA could cite the City in violation of the NPDES Stormwater permit. The total grant amount is \$666,335.00 of which 75% (\$449,751.00) would be OPWC's share with 25% (\$166,584.00) being the City's share. The City's matching funds would be paid from the Sanitary Sewer Maintenance Fund. Mayor Cameron asked for a Motion to approve Resolution 11-43. Mrs. Johnson moved to approve Resolution 11-43, and seconded by Mrs. Staggs. Roll call resulted in 7 yes votes, and Resolution 11-43 is approved unanimously.

RESOLUTION 11-44: A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO PARTICIPATE IN THE LOCAL TRANSPORTATION IMPROVEMENT PROGRAM, PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION (OPWC) STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM, ROUND 26; COMMITTING CITY MATCHING FUNDS AND TO EXECUTE CONTRACTS AS REQUIRED IN CONNECTION WITH THE SHILOH SPRINGS ROAD, PHASE I. The Clerk of Council read the caption. City Manager Michael J. Lucking said this is Phase I of the Shiloh Springs Road improvements. This section commences at the intersection of Shiloh Springs Road and N. Union Road, progressing eastwardly approximately 5,240 feet, and terminating at the intersection with Olive Road. This improvement will include the removal and replacement of the existing infrastructure, and complement the Shiloh Springs/Salem Avenue intersection improvements that were completed last year. The total cost for the project is \$823,269.00, OPWC grant share is \$617,451.00, and the City's 25% matching share is \$205,818.00. The matching share will be paid from the City's storm water fund. Shiloh Springs Road is one of the City's major corridors and the lack of funding for adequate maintenance, age, and weather conditions have affected the structural integrity of the pavement. Mayor Cameron asked for a Motion to approve Resolution 11-44. Mrs. McDonald moved to approve Resolution 11-44, and seconded by Mr. Hankins. Roll call resulted in 7 yes votes, and Resolution 11-44 is approved unanimously.

RESOLUTION 11-45: A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO PARTICIPATE IN THE LOCAL TRANSPORTATION IMPROVEMENT PROGRAM, PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION (OPWC) STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM, ROUND 26; COMMITTING CITY MATCHING FUNDS AND TO EXECUTE CONTRACTS AS REQUIRED IN CONNECTION WITH THE SHILOH SPRINGS ROAD, PHASE II. The Clerk of Council read the caption. City Manager Michael J. Lucking said Phase II commences at the intersection of Shiloh Springs Road and Olive Road, progressing eastwardly approximately 2,035 feet, and terminating at the intersection with State Route 49 (Connector). The total cost for the project is \$439,665.00, OPWC grant share is \$329,749.00, and the City's 25% matching share is \$109,916.00 to be paid from the City's storm water fund. Mrs. Gales asked about the amount of money in the storm water fund. Finance Director Patricia Shively answered. Vice-Mayor Vaughn asked why the project is being done in phases. Public Works

Director Thomas Odenigbo answered that each time an application is made, the project receives points, and a project of this size would not be funded. Mayor Cameron said the project could be combined at any time. Mayor Cameron asked for a Motion to approve Resolution 11-45. Mrs. Staggs moved to approve Resolution 11-45, and seconded by Mrs. Gales. Roll call resulted in 7 yes votes, and Resolution 11-45 is approved unanimously.

RESOLUTION 11-46: A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO PARTICIPATE IN THE LOCAL TRANSPORTATION IMPROVEMENT PROGRAM, PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION (OPWC) STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM, ROUND 26; COMMITTING CITY MATCHING FUNDS AND TO EXECUTE CONTRACTS AS REQUIRED IN CONNECTION WITH THE SHILOH SPRINGS ROAD, PHASE III. The Clerk of Council read the caption. City Manager Michael J. Lucking Phase III commences west of the intersection of Shiloh Springs Road and Denlinger Road, progressing eastwardly approximately 2,200 feet, and terminating at the intersection with Wolf Road. The total cost is \$915,324.00, OPWC grant share is \$686,439.00, and the 25% City matching share is \$228,831.00 which would be paid from the City's storm water fund. This project is rated 3 in the OPWC funding cycle. Mayor Cameron asked for a Motion to approve Resolution 11-46. Mr. Hankins moved to approve Resolution 11-46, and seconded by Mrs. Staggs. Roll call resulted in 7 yes votes, and Resolution 11-46 is approved unanimously.

RESOLUTION 11-47: A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO PARTICIPATE IN THE LOCAL TRANSPORTATION IMPROVEMENT PROGRAM, PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION (OPWC) STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM, ROUND 26; COMMITTING CITY MATCHING FUNDS AND TO EXECUTE CONTRACTS AS REQUIRED IN CONNECTION WITH THE OLIVE ROAD-TAYWOOD ROAD CONNECTOR. The Clerk of Council read the caption. City Manager Michael J. Lucking said this capital improvement will connect Olive Road north of S.R. 49, through Salem Bend Road, to the intersection of Taywood Road and Westbrook Road. This construction would include the closing off Salem Bend Road in a cul-de-sac configuration, and will include improvements to the intersection of Westbrook and Taywood Roads, which would affect the City of Clayton to some degree. The project has already been granted funding through O.D.O.T. and Montgomery County CMAQ grants. The City would be expected to provide a matching fund of about 80% which is approximately \$640,000.00. The City would pay the matching funds by using O.D.O.T. fund reimbursements to the City. The project is rated 4 in the OPWC funding cycle. Council expressed concerns with the opposition expressed by those who reside on Westbrook Road and would be affected losing some front yard setback. Public Works Director Thomas Odenigbo said the City may not be able to acquire funds for the property acquisition. Mrs. McDonald thinks this is not the time for the project. We have limited funds. City Manager Michael J. Lucking said the project is tied to the Montgomery County Thoroughfare Plan. Vice-Mayor Vaughn agrees with Mrs. McDonald. Mayor Cameron said if the grant is funded, the project would come back to Council to vote up or down. Mrs. Gales said we could end up in court. Mr. Hankins said we should determine what monies are available. City Manager Lucking said this has been a policy decision and we should go forward. Mrs. Johnson has concerns with what would happen to the monies that have been granted, and thinks the project should go forward. Mrs. Johnson would like to know if the funds granted can be allocated to other projects in the City. Public Works Director Thomas Odenigbo said he will contact Miami Valley Regional Planning Commission to see if the funding can be moved from 2015 construction season to 2018 construction season. The money cannot be used for another City project. The funds would go into another pot that the City would have to reapply

to receive funding. The cost of property acquisition is \$4,000.00 to \$5,000.00 per property acquisition. Mayor Cameron asked for a Motion to approve Resolution 11-47. Mr. Hankins moved to approve Resolution 11-47, and seconded by Mrs. Staggs. Roll call resulted in 5 no votes (Mrs. Gales, Mrs. Johnson, Mrs. McDonald, Vice-Mayor Vaughn, and Mayor Cameron), and 2 yes votes (Mr. Hankins and Mrs. Staggs). Resolution 11-47 is not approved.

RESOLUTION 11-48: A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO PARTICIPATE IN THE LOCAL TRANSPORTATION IMPROVEMENT PROGRAM, PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION (OPWC) STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM, ROUND 26; COMMITTING CITY MATCHING FUNDS AND TO EXECUTE CONTRACTS AS REQUIRED IN CONNECTION WITH THE OLDE TOWN WATER MAIN REPLACEMENT PROJECT. The Clerk of Council read the caption. City Manager Michael J. Lucking said the Public Works Director is targeting the removal and replacement of undersized and old water main lines in the City (mostly in the Olde Town area) with larger water main lines. Age and effects of weather have affected the structural integrity of our water system. The project will be phased over the next several years, and the City has already received funding award notice for Phase 2A and Phase 2B in 2010, Round 25. This is high priority. Six (6) phases are being submitted this year. Phase 1A – Trotwood Boulevard and N. Union Road: N. Union Road, from Main Street to Trotwood Boulevard; Trotwood Boulevard, from Ginger Place to Sparks Street; Trotwood Boulevard, from N. Union Road to Strader; and Stubbs Drive, from N. Union Road to Brookhaven. Total cost for 1A is \$558,000.00, OPWC grant share \$418,500.00, and 25% matching share for the City \$139,500.00 to be paid from the City's Water Distribution Fund. Phase 1B- Stubbs Drive and Post Town Road Connection: an 8" connection would be installed from the south end of Stubbs Drive to Post Town Road, and a 6" line on Stubbs Drive would be replaced with an 8" line between Brookhaven and the south end of Stubbs. Total cost for 1B is \$335,000.00, OPWC grant share \$266,250.00, and City's 25% matching share is \$88,750.00 to be paid from City's Water Distribution Fund. Phase 3A – Olive Road (north of Wolf Creek Pike: Olive Road at Grand Oak Boulevard – replace a section of 6" line with 12" line ; Olive Road at Wolf Creek – the line at this location is discontinuous; we would install a section of 12" line under Wolf Creek to close the gap. Total cost \$414,000.00, OPWC grant share \$310,500.00, and City's 25% matching share \$103,500.00 to be paid from the Water Distribution Fund. Phase 3B – Olive Road & Trotwood Boulevard: Olive Road, from Wolf Creek Pike to Trotwood Boulevard – replace existing 6" main with 12"; Trotwood Boulevard, from Olive Road to 1,650 feet west – replace a short section of 6"line with 12", and continue the 12" main to close a gap in the system. Total cost \$476,000.00, OPWC grant share \$357,000.00, and 25% matching share \$119,000.00 to be paid from the Water Distribution Fund. Phase 4A – W. Sherry Drive, W. Worley Avenue, Pinewood Circle & Maple Street: W. Sherry Drive, from Broadway to Oak; W. Worley Avenue, from Broadway to Oak; Pinewood Circle (entire length); and Maple Street (entire length). Total cost \$486,000.00, OPWC grant share \$364,500.00, and City's matching share \$121,250.00 to be paid from the City Water Distribution Fund. Phase 4B – W. Sherry Drive, Elmore Street & Carma Drive: W. Sherry Drive, from Hillpoint Street to N. Sherry Drive; Elmore Street, from W. Sherry Drive to N. Sherry Drive; and Carma Drive (entire length). Total cost \$465,000.00, OPWC grant share \$343,750.00, and City matching share \$121,250.00 to be paid from the Water Distribution Fund. Mayor Cameron asked for a Motion to approve Resolution 11-48. Mrs. McDonald moved to approve Resolution 11-48, and seconded by Mrs. Staggs. Roll call resulted in 7 yes votes, and Resolution 11-48 is approved unanimously.

RESOLUTION 11-49: A RESOLUTION BY THE TROTWOOD CITY COUNCIL TO CONTINUE THE IMPOSITION OF A MORATORIUM FOR A PERIOD OF SIX (6) 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 asked Law Director Stephen McHugh if the state has passed or will be passing legislation soon to provide the City some help in determining its regulations. The Ohio Attorney General is on record as concerned with the operation of sweepstakes/internet cafes. Law Director McHugh said the State has not passed legislation as yet, but is something they are still discussing. City Administration is recommending continuation of the Moratorium for a period of six (6) months/180 days while The State is working to regulate the operation, the Trotwood Planning Commission, City Manager and City Planner to investigate review and recommend comprehensive regulations for the location and operation. Mayor Cameron asked if the regulations when passed could be so stiff as to keep sweepstakes/internet cafes out of our community. The regulations would be an additional enforcement of the Police Dept. Ohio Gambling Statute doesn't cover these gambling mechanisms. The City of Miamisburg, Centerville and Kettering are considering moratoriums. Mayor Cameron asked for a Motion to approve Resolution 11-49. Mr. Hankins moved to approve Resolution 11-49, and seconded by Mrs. Gales. Roll call resulted in 7 yes votes, and Resolution 11-49 is approved unanimously.

RESOLUTION 11-50: A RESOLUTION DETERMINING THE NECESSITY OF _____ LEVYING A REPLACEMENT TAX IN EXCESS OF THE TEN-MILL LIMITATION FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, RESURFACING, AND REPAIRING STREETS, ROADS, AND BRIDGES WHICH LEVY SHALL BE 1.00 MILL WHICH IS A REPLACEMENT OF AN EXISTING LEVY OF 1.0 MILL, TO RUN FOR THREE (3) YEARS, PURSUANT TO SECTION 5705.19 AND SUBSECTION 5705.19(G) AS AMENDED, OF _____ THE OHIO REVISED CODE, AND REQUESTING THE COUNTY AUDITOR TO _____ CERTIFY MATTERS IN CONNECTION THEREWITH. The Clerk of Council read the caption. City Manager Michael J. Lucking said the purpose of this legislation is to request the Montgomery County Auditor certify the current valuation for a 1 mill Replacement Levy for a 5 years period for Council's consideration. The Replacement Levy would yield \$310,000.00 to maintain the current level of service provided by Public Works. Mayor Cameron asked for a Motion to approve Resolution 11-50. Mrs. McDonald moved to approve Resolution 11-50, and seconded by Vice-Mayor Vaughn. Roll call resulted in 7 yes votes, and Resolution 11-50 is approved unanimously.

RESOLUTION 11-51: A RESOLUTION DETERMINING THE NECESSITY OF _____ LEVYING A RENEWAL TAX IN EXCESS OF THE TEN-MILL LIMITATION FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, RESURFACING, AND REPAIRING STREETS, ROADS, AND BRIDGES WHICH LEVY SHALL BE 1.00 MILL WHICH IS A REPLACEMENT OF AN EXISTING LEVY OF 1.0 MILL, TO RUN FOR THREE (3) YEARS, PURSUANT TO SECTION 5705.19 AND SUBSECTION 5705.19(G) AS AMENDED, OF _____ THE OHIO REVISED CODE, AND REQUESTING THE COUNTY AUDITOR TO _____ CERTIFY MATTERS IN CONNECTION THEREWITH. The Clerk of Council read the caption. City Manager Michael J. Lucking said this request would be for the current valuation of a renewal 1 mill levy for three years. The levy would yield approximately \$194,616.00, which would not alleviate the Public Works Dept. funding shortages. Mayor Cameron asked for a Motion to approve Resolution 11-51. Mrs. Johnson moved to approve Resolution 11-51, and seconded by Mrs. Staggs. Roll call resulted in 7 yes votes, and Resolution 11-51 is approved unanimously.

RESOLUTION 11-52: A RESOLUTION DETERMINING THE NECESSITY OF _____ LEVYING AN ADDITIONAL TAX IN EXCESS OF THE TEN-MILL LIMITATION FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, RESURFACING, AND REPAIRING STREETS, ROADS,

AND BRIDGES WHICH LEVY SHALL BE 2.5 ADDITIONAL MILLS WHICH IS TO RUN FOR FIVE (5) YEARS, PURSUANT TO SECTION 5705.19 AND SUBSECTION 5705.19(G) AS AMENDED, OF THE OHIO REVISED CODE, AND REQUESTING THE COUNTY AUDITOR TO CERTIFY MATTERS IN CONNECTION THEREWITH. The Clerk of Council read the caption. City Manager Michael J. Lucking said the Public Works Director Thomas Odenigbo has given the City's streets pavement condition ratings based on O.D.O.T.'s guidelines for Pavement Condition Ratings. There are 270 streets/roads in the City. Of those 199 are rated in the Poor category; 58 are rated as Fair, 11 are rated as Good, and 2 are rated as Excellent. This equates to 74% Poor, 21% Fair, 4% Good, and less than 1% Excellent. Neighborhood streets/roads are defined as streets/roads that abut residential buildings and do not qualify for grant funding due to low Average Daily Traffic (ADT) counts. These include local streets/roads, collector streets/roads, and minor arterials where residential buildings exist. The 2.5 mill levy for 5 years would yield approximately \$750,000.00 to be used solely for repaving many of these streets/roads. There is a list of streets and their ratings as part of the legislation. Mr. Hankins said this is new for five (5) years only. Mayor Cameron asked for a Motion to approve Resolution 11-52. Vice-Mayor Vaughn moved to approve Resolution 11-52, and seconded by Mr. Hankins. Roll call resulted in 7 yes votes, and Resolution 11-52 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 to make an appointment with the Mayor at any time.

- 2). Report of the Trotwood Charter Review Commission 2011 – Chair Michael A. Sprague: Mr. Sprague is unable to attend the meeting this evening. Law Director Steve McHugh will give a brief overview of the Final Report. Membership: Michael A. Sprague, Chair; Wanda Adams, Vice-Chair; James D. Williams, II, Secretary; Sam Collier, Sr.; Tom Grady; Oscar L. Holliday; and Linda Neal.

The following Articles and Sections of the Trotwood City Charter are being recommended to the Mayor and Trotwood City Council for consideration of the proposed changes contained herein the Final Report.

1. Section 3-2. MEMBERS AND TERMS.

At the general municipal election in November 1997, and thereafter, one (1) member of Council shall be elected from each of the four (4) districts, into which the Municipality shall be divided, at the general municipal election in November 1995; two (2) members of Council shall be elected from the Municipality at large. Individual terms of office for all members of Council shall be four (4) years in length.

The members of Council shall begin their terms on the first business day of January following their election. (Amended 11-6-01).

Proposed: Consider Term Limits in the last sentence of paragraph one, "shall be 2 four (4) year terms of office.

Proposed: Consider removal of Districts, and all Council elected At-Large.

2. Section 3-7. VICE-MAYOR.

At the regular January, 1996 meeting following its election and every two (2) years thereafter, the Council shall choose one of its members as Vice-Mayor to exercise all the powers and perform all the duties of the Mayor in case of his or her temporary absence or disability.

Should the office of Mayor become vacant, the Vice-Mayor shall succeed to that office until the next regular Municipal election. At such election, a Mayor shall be elected to serve for the unexpired term, if any; if not, for a full term. Upon the election of a Mayor, other than the Vice-Mayor then serving as Mayor, the Vice-Mayor may retain a position as Councilmember for the remainder of his or her unexpired term. Amended 11-3-98).

Proposed: The Law Director will draft language to alleviate some of the pitfalls when the Vice-Mayor fills the Mayor's seat, and another individual is appointed by Council to fill the seat vacated by the Vice-Mayor. Pitfalls i.e. The Vice-Mayor must become Mayor in the absence or disability of the Mayor in the current Section 3-7, and the person who is appointed to fill the Vice-Mayor's seat must run for election almost immediately they are appointed.

3. Section 3-8. MEETINGS.

Council shall meet regularly at such times as may be prescribed by its rules, but not less frequently than once each month. All meetings shall be open to the public pursuant to Ohio Revised Code 121.22 known as the Ohio Sunshine Law as amended.

A regular organizational meeting shall be held during the first week in January in each year. A majority of the members elected to Council shall constitute a quorum to do business, but a lesser number may adjourn from time to time.

Special meetings may be called by the Mayor or any three members of Council on twelve hours' notice served on each member personally or left at his usual place of residence. The purpose of a special meeting shall be stated in the notice and no other business shall be transacted at such meeting.

All meetings of Council Members called for the purpose of official business and action shall be conducted in open and public meetings, unless the subject matter is specifically excepted hereinafter.

Exceptions to Public Meetings:

1. The members of Council may hold an executive session only at a regular or special meeting for the sole purpose of the consideration of any of the following matters:
 - a. Unless the public employee, official licensee, or regulated individual requests a public hearing to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a Public employee or official, licensee, or regulated individual. Except as otherwise provided by law, the Public body shall not hold an executive session for the discipline of an elected official for conduct related to the performance of his official duties or for his removal from office.

- b. To consider the purchase of property for public purpose, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advance to a person whose personal, private interest is adverse to the general public interest. No member shall use this division as subterfuge for providing covert information to prospective buyers or sellers. A purchase or sale of public property is void if the seller or buyer of the public property has received covert information from a member that has not been disclosed to the general public in sufficient time or other prospective buyers and sellers to prepare and submit offers.

If the meetings of a public body show that all meetings and deliberations of the public body have been conducted in compliance with this section, any instrument executed by the public body purporting to convey, lease, or otherwise dispose of any right, title or interest in any public property shall be conclusively presumed to have been executed in compliance with this section insofar as title or other interest of any bonafide purchasers, lessees or transferees of the properties concerned.

- c. Conferences with an attorney for the public body concerning disputes involving the public body that are subject of pending or imminent court action.
- d. Preparing for, conducting or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.
- e. Matter required to be kept confidential by federal law or rule of state statutes have specialized details of security arrangements where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law.
- f. Specialized details of security arrangements where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law.
- g. To receive and consider from an applicant for a permit, license, variance, zoning change or similar privilege granted by the City, the following information

confidentially received from the applicant.

- (i) Marketing plans;
- (ii) Specific business strategy;
- (iii) Production techniques and trade secrets;
- (iv) Financial projectures; and
- (v) Personal financial statements of the applicant or members of his immediate family, including but not limited to tax records or other similar information not open to public inspection, provided, however, that the vote to accept or reject the application, as well as all proceedings not subject to this subsection, shall be open to the public. (Amended 11/6/01).

The Council shall not hold a special meeting unless it gives at least twenty-four hours'

advance notice to the news media that have requested notification, except in the event of an emergency, the member or members calling the meeting shall notify the news media that have requested notification immediately of the time, place and purpose of the meeting. (Amended 8-4-92).

Proposed: Law Director is recommending with the concurrence of membership to remove much of this section and replace with State Statute "in accordance with the Ohio Revised Code 121.22 Sunshine Law."

4. Section 6-7. MUNICIPAL CLERK.

The Council shall appoint a Municipal Clerk, also to be known as the Clerk of Council, for an indefinite term, whose duty it shall be to keep the journal and other records of the Council and to perform such other duties as the Council may require.

Council in its discretion may assign the duties of the Municipal Clerk to some other regular employee of the Municipality.

Proposed: Remove from Section 6-7 and place in Article Three – Council, new section 3-10 as Municipal Clerk is not a department. In first sentence replace Municipal Clerk with Clerk of Council, and Clerk of Council with Municipal Clerk. Add section that would mirror first sentence in Section 5-6 Removal, 4 affirmative votes of Council to remove the Clerk of Council.

5. Section 7-2. APPEALS FROM BOARDS AND COMMISSIONS.

Any person, firm or corporation, or any officer, department, board or agency of the Municipality, or any interested elector of the Municipality who has been aggrieved or affected by any decision of any board or commission may appeal such decision to the Council. The appeal shall be perfected by filing notice of intent to appeal with the chairman of the board or commission within five days after journalization of the decision and by filing a petition of appeal

with the Clerk of Council within ten days thereafter. The petition of appeal shall include a summary of the decision being appealed and the grounds of such appeal. A decision shall be

deemed journalized when the minutes of the board or commission incorporating such decision have been approved at its next meeting.

Council shall hold a public hearing on such appeal not later than thirty (30) days after such appeal petition has been filed and by majority vote shall affirm, reverse or modify the decision of the board or commission. Such decision shall be final, subject, however, to the provisions of Chapter 2506, Ohio Revised Code.

Proposed: In first paragraph change 5 days to appeal with the Chairman of the board or commission to ten (10) days. In last paragraph, add language that would exclude appeal process for Civil Service Commission to Council, but to O.R.C. provisions of Chapter 2506.

6. Section 9-3. RECALL.

The electors shall have the power to remove from office, by a recall election, any elected officer of the Municipality.

If an elected officer shall have served for six (6) months of his term, a petition demanding his removal may be filed with the Clerk of Council, who shall note thereon the name and address of the person filing the petition and the date of such filing. Such petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument.

Each part shall contain the name and office of the person whose removal is sought and a statement in not more than two hundred (200) words of the grounds for such removal. Such petition shall be signed by the number of electors which equals twenty-five (25) percent of the total number of electors voting for the candidates-at-large at the preceding election, in the case of the proposed removal of a councilman-at-large or the Mayor, or the number of electors, voting for the candidates for a particular district, at the preceding election, in the case of the proposed removal of a councilman from a district. Within ten (10) days after the day on which such petition is filed, the Clerk of Council shall determine whether or not it meets the requirements herein.

If the Clerk shall find the petition insufficient, he shall immediately certify the particulars in which the petition is defective, deliver a copy of his certificate to the person who filed the petition with him, and make a record of such delivery. If the Clerk shall find the petition sufficient, he shall promptly so certify to the Council, shall deliver a copy of such certificate to the officer whose recall is sought, and shall make a record of such delivery. If such officer shall not resign in five (5) business days after the day on which such delivery shall have been made, the council shall thereupon fix a day for holding a recall election, not less than sixty (60), days nor more than seventy-five (75) days after the date of delivery.

At such recall election, this question shall be placed on the ballot: "Shall (naming the officer) be allowed to continue as (naming the office)?" with provision on the ballot for marking "yes" or "no" on such question. If a majority of the votes cast at such election shall be "yes", such officer shall remain in office. If a majority of the votes cast shall be "no", such officer shall be considered removed, his office shall be declared vacant, and such vacancy shall be filled as

provided in this Charter. The officer removed by such election shall not be eligible for appointment to the vacancy thereby created. (Amended 11-6-01)

Proposed: Change to language that would meet the requirements of the O.R.C. allowing 30 days for the gathering of signatures once intent has been expressed in writing with the Clerk of Council that you

would like to start a recall process, and to submit them to the Clerk of Council within 6 working days after the 30 days clock has ended.

Council would like to discuss the Final Report of the Charter Review Commission in Workshop in order to review each item to determine its merit and to give consideration to the Report as presented by the Charter Review Commission 2011. Council would like each Charter Review Commission Member to be present.

Mr. Collier said the Commission has done its due diligence, and is recommending the Report to Council for its consideration. Mr. J. D. Williams asked that Council call him if someone would like to discuss the report further. Bruce Kettelle, who attended most meetings, said he is also available if someone would like to discuss the recommendations.

Council would like to meet in a Workshop to discuss the Final Report of the Charter Review Commission 2011, and to discuss the three proposed levies.

Law Director Steve McHugh said Council would need to make a decision quickly if they would want any or all of the proposed changes placed on the November 8, 2011 General Election Ballot. The levy/s and any Charter changes must be at the Montgomery County Board of Elections Office by 4:00 p.m. on Wednesday, August 10, 2011. The Montgomery County Board of Elections has changed the requirement to 90 days prior to the election for issues and petitions, etc.

CITY MANAGER:

- 1). Trotwood Website: The website is continually being updated.
- 2). City Manager Lucking thanked Larch Tree Golf Club for hosting us this evening, Mike Reilly and Donna Spurlock.
- 3). Motion of Council to schedule a Special Council Workshop – July 25, 2011 and Special Council Meeting - August 1, 2011. Council is in agreement with the Meeting dates.

COUNCIL MEMBERS REPORTS:

- 1). Council Member Mary A. McDonald – A neighbor telephoned her regarding rental property in the community, and how we can help advise when the rental agent is not responding, etc. The rental of homes needs to be addressed soon.
- 2). Council Member Rap Hankins – The NLC is going to be talking about extending Transportation dollars to the communities.
- 3). Council Member Barbara Staggs – It was an honor attending the Youth Golf Camp and watching the Mayor interact with the children at Larch Tree Golf Club. Mayor Cameron invited everyone to join her and the children at the Larch Tree Golf Club for the Youth Golf Camp on Monday and to eat pizza.

STAFF:

MOTION TO ADJOURN:

Trotwood City Council
Meeting Minutes
July 18, 2011

Mayor Cameron requested a Motion to adjourn the Meeting. Mrs. Staggs moved to adjourn the meeting at 9:15 p.m., and seconded by Mrs. Gales. The Meeting was adjourned at 9:15 p.m.

ATTEST:

APPROVED:

Lois M. Singleton, Clerk of Council

Joyce Sutton Cameron, Mayor