

TROTWOOD CITY COUNCIL
MEETING MINUTES
JULY 20, 2009

The Trotwood City Council met in their Regular Scheduled Meeting on Monday, July 20, 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, Public Works Director Thomas Odenigbo, Acting Finance Director Patricia Shively, Police Chief Quincy E. Pope, Sr., Fire & Rescue Chief Eugene Lutz, Planning and Zoning Administrator Carl Daugherty, Human Resources Manager Barbara Brooks, Building Program Manager/Code Enforcement Scott Adams, Police Captain Erik Wilson, Secretary to City Manager/Deputy Clerk of Council Sandy Riege and Clerk of Council Lois M. Singleton.

VISITORS:

Theodore C. Fowler, Elder Charles Byrd (Residence in Praise Board President), Waverly J. Warden, Raymond Birdsong, William Richardson, Kenny Goodpasture, George Riber, Janice Chinn, Loren W. Gross, George Tyler, Joe Brown, Malinda Brown, Madeline Green (Residence in Praise Executive Director), Glenda Griffin, Mattie M. Clay, Mattie Clark, Brendalee Roseman, Leonard Wise, Shirley B. Barber, Angela T. Coe, Linda Tewolde, Myra Bozeman, Asmeret Tikeok-Green, Darryl Bronner (Pleasant Green M.B. Church), Paula Hill, Thomas Clay, Barbara Higgins, Lucille Cosby, Joe Nemanich, Rhonda Gosnell, Luke Gosnell, Janet Foote, S. Collier, Willie Marvin, Ken Ullery, Richard Farncomb, Tom Grady, Anne Orr, Maggie Martin, Helen Sarsgard, Toni Coleman (Dayton Daily News), Greg Chinn, Gayle Gibbons, Barbara Smith, Art Smith, K. Walker, Scotty A. Sly, James D. Williams, II, Larry White, Judy L. Wood, Rose Nelson, Gene Nelson, John T. Fecke, Stuart A. Rosenstein, Moses Williams, Hinnie Williams, Kathleen K. Fambro, Eloise R. McCray, Lena Strange, Charles Jackson, Joanne Koesters, Ronald Koesters, James S. Burton, Eva L. Wells, Flora Northern, Chimene Harris, Patricia Allen, Karen M. Davis, Linda Weaver, Duane Plessinger, Cynthia Baughman, Virginia Stewart (Code Enforcement Officer), Ellsworth Szkudlarek, Jesse & Cozy Smith, Raymond Garner (Trotwood Chamber President), Dora Garner, Joseph McDonald, Wayne C. Johnson, W.J. & Karen Dunson, and Bruce Kettelle (former Council Member & Totally Trotwood).

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 6:32 p.m., in accordance with the Trotwood City Charter, Section 3.8 Meetings. Exceptions 1(a) personnel related items, and seconded by Mrs. Gales. 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:

Mrs. Staggs moved to adjourn the executive session at 7:40 p.m., and return to the regular agenda, and seconded by Mrs. Gales. Roll call resulted in 7 yes votes, and the Motion was approved unanimously.

PRESENTATIONS AND RECOGNITIONS:

PRESENTATION – RESIDENCE IN PRAISE – UPDATE OF ACTIVITIES – ELDER CHARLES BYRD AND EXECUTIVE DIRECTOR MADELINE GREEN: Residence in Praise presented a cd-rom of their

activities. Residence in Praise conducted a Summer Arts Program whose classes will go thru July 31, 2009. Residence in Praise is bringing classes to the youth of the City of Trotwood and surrounding areas. Other classes are Piano Instruction for adult and children, Visual Arts, Theater Class, and Spring Recital. Thank you City of Trotwood for your support of our young people in the arts. The Youth & Teen Talent Contest is being held in August. Summer Arts is 10:00 a.m. – 1:30 p.m. Zumba is being taught also. The Evening under the Stars Gala is being held on September 19, 2009 at 5:00 p.m. Residence in Praise is inviting Council, Staff and the audience to come out and participate in their events. Elder Byrd and Mrs. Green thanked Carl Daugherty and Eugene Lutz for their assistance in presenting their DVD.

PLEASANT GREEN M.B. CHURCH CARNIVAL, AUGUST 6-8, 2009 – RON DANIELS AND DARRYL BRONNER – REQUEST WAIVER OF PERMIT FEES: Planning and Zoning Administrator Carl Daugherty reported that Section 1189.02 of the Zoning Code states that festival events are permitted temporary uses. In addition, the fee schedule for such events is \$500.00. Pleasant Green is requesting a fee waiver of the permit fee. Police Captain Porter and Mr. Daugherty have brought the matter under further review. The required permit fee would be appropriate as payment in full. The 3-day event currently being planned is anticipated to draw significant numbers of people from the population at-large. The City's protective services, Fire and Police Departments, will be engaged to provide a heightened level of service which would not otherwise be required, but for the event to take place on the above dates. Mr. Ron Daniels, Coordinator for the project submitted a brief synopsis of their steps to secure the permit. He and other members of the church have been in contact with Captain John Porter seeking information as to the process Precious Blood Church followed for the carnival held for many years on their site. Questions raised are security, public parking and rides. A site plan was presented depicting all rides to be housed in the south parking lot of the church site. The concessions will be located in the west parking lot. There will be three hand washing stations, needed port-a-johns, emergency medical service is accomplished, parking will be in the north parking lot, and security will be accomplished through private and public security on site. Security - \$52.00 per hour per officer per day = \$3,044.00. Private security is \$15.00 per hour per officer = \$450.00 per day. Mr. Daniels wants to understand the process. Mayor Davis asked if budgeting of the permit has been figured into the fee for the event. Mrs. McDonald asked when the process was started. Benefit to the community is good faith. Put together a standard packet. Put together a standard packet. Mrs. McDonald asked for a copy of the standard packet. Mayor Davis said Precious Blood is a community partner. We do not want to set a precedent in waiving fees. Vice-Mayor Cameron said Council may need to revisit the cost of the permit. Mrs. McDonald moved to approve the waiver of the \$500.00 permit fee for Pleasant Green M.B. Church festival/carnival for August 6-8, 2009, and seconded by Mr. Vaughn. Roll call resulted in 6 yes votes, 1 abstention (Mrs. Gales), and the Motion was approved.

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, July 6, 2009.
- 2). RESOLUTION 09-51: A RESOLUTION BY TROTWOOD CITY COUNCIL AUTHORIZING THE CITY MANAGER TO AWARD A CONTRACT FOR THE PAVEMENT, VALVE AND MANHOLE REPAIRS IN THE CITY OF TROTWOOD TO PERFORMANCE ASPHALT IN AN AMOUNT NOT TO EXCEED \$36,000.00, AND TO

BE REIMBURSED BY MONTGOMERY COUNTY, OHIO FOR THE COST OF THE REPAIRS PLUS TEN PERCENT (10):

- 3). A Motion of the Trotwood City Council requesting legislation providing for the issuance and sale of notes in an aggregate principal amount of \$2,530,000, in anticipation of the issuance of bonds, to pay costs of acquiring real estate, and scheduling a public hearing. (renewal of existing note).
- 4). A Motion of the Trotwood City Council requesting legislation providing for the issuance and sale of notes in an aggregate principal amount not to exceed \$1,950,000, in anticipation of the issuance of bonds, to pay costs of improving Olive Road, Wolf Creek Pike, Prosperity Drive and Modern Way by repaving, adding lanes, curbing and installing signalization, constructing water and storm water lines, and acquiring real property, and scheduling a public hearing. (renewal of existing note).
- 5). RESOLUTION 09-53: A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ADDENDUM TO THE CONTRACT FOR THE DEMOLITION OF TWO STRUCTURES LOCATED AT 5190 SALEM AVENUE AND TO BADGER CONSTRUCTION IN AN AMOUNT NOT TO EXCEED \$26,147.65.

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

PUBLIC HEARINGS:

Mayor Davis 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 8:10 p.m., and seconded by Mrs. Staggs. Roll call resulted in 7 yes votes, and the Motion was approved unanimously.

Mayor Davis invited those who would speak pro or con regarding the legislation to stand and be sworn in. Mayor Davis administered the Oath to one (1) individual.

ORDINANCE 15-09: AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE TROTWOOD CODES OF ORDINANCES: The Clerk read the caption. City Manager Michael J. Lucking said this action updates the Trotwood Code of Ordinances through April 2009 and represents all additions, deletions and amendments to the Code since 2004. Upon the approval of the update by City Council, City Manager Michael Lucking, Clerk of Council Lois Singleton and the codifier, the Walter H. Drane Company, are going to discuss how the City of Trotwood can best use the internet for making the General Code of Ordinances available to the general public. Mayor Davis requested a motion to approve Ordinance 15-09. Vice-Mayor Cameron moved to approve Ordinance 15-09, and seconded by Mr. Hankins. Roll call resulted in 7 yes votes, and the Motion was approved unanimously.

ORDINANCE 16-09: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN AN AGGREGATE PRINCIPAL AMOUNT OF \$3,875,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF ACQUIRING REAL ESTATE. (RENEWAL OF EXISTING NOTE): The Clerk read the caption. City Manager Michael J. Lucking said the City of Trotwood will secure a six month BAN in the amount of \$3,875,000 for costs associated with the acquisition of the Salem Mall

property. The action is also in anticipation of converting said BANS to fix rate bond financing effective March 1m 2010. The Administration is working with Bond Counsel to determine the appropriate calendar of events necessary to arrive at a timely sale of Bonds in March 2010. The information will be included in the updated Trotwood Policy Calendar when finalized. Mr. Joseph G. Nemanich – 337 Carthage Place, 45426 asked what real estate, and stated that the real estate is being guaranteed by the property owners. Why not write in common English. This language is required by the Ohio Uniform Bond Act per Law Director Steve McHugh. The renewal is done annually. There are also IRS and Security regulations determining the process that is followed. Mr. Nemanich asked about the impact to the citizens, and the purpose. City Manager Michael J. Lucking said these are General Obligation Bonds, and not Reverse Bonds. Mrs. McDonald asked the City Manager to explain the difference. City Manager Michael J. Lucking read the information he had provided in the Executive Summary for Council's deliberation. Mayor Davis requested a motion to approve Ordinance 16-09. Mr. Hankins moved to approve Ordinance 16-09, and seconded by Mrs. Staggs. Roll call resulted in 7 yes votes, and Ordinance 16-09 was approved unanimously.

ORDINANCE 17-09: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN AN AGGREGATE PRINCIPAL AMOUNT OF \$100,000, IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF WATER SYSTEM REPAIRS AND IMPROVEMENTS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO: RENEWAL OF EXISTING NOTE): The Clerk read the caption. City Manager Michael J. Lucking explained that these notes are associated with the 2001 East Main Street repair and replacement of the water main. The original cost of the repair was \$300,000. Since that time, the City has been annually reducing the debt associated with the repair at a rate of \$25,000 per year. The Bond Counsel is recommending that the City consider retiring the outstanding debt or incorporate it into a future Bond issuance contemplated in 2010, due to the small size of the outstanding principal and the associated costs of the BAN note issuance. This matter will be given additional consideration during the preparation of the 2010 Annual Budget. Mayor Davis requested a Motion to approve Ordinance 17-09. Vice-Mayor Cameron moved to approve Ordinance 17-09, and seconded by Mrs. Gales. Roll call resulted in 7 yes votes, and Ordinance 17-09 was approved unanimously.

Mayor Davis requested a Motion to adjourn the Public Hearing portion of the agenda and return to the Regular agenda. Mr. Hankins moved to adjourn the Public Hearing portion of the agenda and return to the Regular agenda at 8:25 p.m., and seconded by Mrs. Staggs. Roll call resulted in 7 yes votes, and the Motion was approved unanimously.

RESOLUTIONS:

Mayor Davis requested a motion to add Resolution 09-65, A RESOLUTION BY THE TROTWOOD CITY COUNCIL ESTABLISHING THE RATIONALE FOR AND AUTHORIZING THE LAYOFF OF CITY EMPLOYEES, AUTHORIZING CITY EMPLOYEES WAGE REDUCTIONS, CITY EMPLOYEE FURLOUGHS AND ALL OTHER MEANS AVAILABLE TO ADDRESS THE CITY'S "LACK OF FUNDS" to the Agenda. Mrs. Gales moved to add Resolution 09-65 as stated above to the Agenda, and seconded by Vice-Mayor Cameron. Roll call resulted in 7 yes votes and the Motion is approved unanimously to add Resolution 09-65 to the agenda.

RESOLUTION 09-54: A RESOLUTION ESTABLISHING PROCEDURES FOR A FINANCE COMMITTEE IN THE CITY OF TROTWOOD, OHIO, FIXING TERMS IN OFFICE AND ASSIGNING DUTIES: The Clerk read the caption. City Manager Michael J. Lucking explained that the committee

will assist City Council in carrying out its oversight and improvement responsibilities related to the City finances. The proposed structure is a membership of seven persons appointed by the Trotwood City Council. Membership would be for three years. Appointment to the committee would require an affirmative vote of 4 members of the Trotwood City Council. Membership would be 7 members comprised as follows: Two (2) City Council members; one (1) member of City Staff; the City Finance Director; and three (3) residents of the City of Trotwood with a background in accounting or finance. Additionally, the Law Director would serve the committee in an advisory capacity. As a minimum, the City Finance Committee will meet not less than once per calendar quarter. Mayor Davis requested a Motion to approve Resolution 09-54. Mr. Hankins moved to approve Resolution 09-54, and seconded by Vice-Mayor Cameron. Roll call resulted in 7 yes votes, and Resolution 09-54 is approved unanimously.

RESOLUTION 09-55: A RESOLUTION ESTABLISHING PROCEDURES FOR A PUBLIC SAFETY COMMITTEE IN THE CITY OF TROTWOOD, OHIO, FIXING TERMS IN OFFICE AND ASSIGNING DUTIES: The Clerk read the caption. City Manager Michael J. Lucking explained that the committee would assist the City Council in carrying out its oversight and improvement responsibilities as they relate to the City's public safety, performance, reporting practices and initiatives to maintain, improve and protect the citizens of Trotwood, Ohio. The Public Safety Committee shall consist of 9 members appointed by the Trotwood City Council for terms of three (3) years. Membership would be comprised as follows: three (3) members of the City Council; the City Manager, the Chief of Police; the Fire Chief; and three (3) residents of the City. In addition, the City Law Director will serve the committee in an advisory manner. At a minimum, the Public Safety Committee will meet no less than once per calendar quarter. Mayor Davis requested a Motion to approve Resolution 09-55. Mrs. Staggs moved to approve Resolution 09-55, and seconded by Vice-Mayor Cameron. Roll call resulted in 7 yes votes, and Resolution 09-55 is approved unanimously.

RESOLUTION 09-56: A RESOLUTION BY THE TROTWOOD CITY COUNCIL APPOINTING THE MEMBERSHIP OF THE TROTWOOD FINANCE COMMITTEE FOR A THREE YEAR TERM.(JOSEPH P. BROWN AND ANGELA T. COE): The Clerk read the caption. City Manager Michael J. Lucking said the legislation appoints Mr. Joseph P. Brown and Ms. Angela T. Coe to three year terms commencing July 20, 2009 and to expire July 31, 2012. Both individuals reside in the City of Trotwood, and have the necessary prerequisite background in Finance and have expressed a willingness to serve. Mayor Davis requested a motion to approve Resolution 09-56. Mrs. Gales moved to approve Resolution 09-56, and seconded by Vice-Mayor Cameron. Roll call resulted in 7 yes votes, and Resolution 09-56 is approved unanimously.

RESOLUTION 09-57: A RESOLUTION BY CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ENTER INTO A WATER SERVICE AGREEMENT WITH THE CITY OF DAYTON, OHIO: The Clerk read the caption. City Manager Michael J. Lucking explained that the City of Trotwood is entering into an agreement with the City of Dayton for the purpose of supplying water to the Trotwood Municipal Water System. Law Director Steve McHugh said the proposed term of agreement is for 15 years and includes a renewal term of 10 years as mutually agreed to by the respective cities. Trotwood will remain the owner of its municipal water system. The rate structure is based upon the established Dayton water rates plus 10% surcharge. The new pricing equates to a 15% reduction in the current surcharge paid by the City of Trotwood. The City of Dayton agrees to replace the existing water meters utilized by the Trotwood Water System. The new meters will be state of the art Automatic Reading Technology. Dayton will purchase and install the meters at their expense. Either party can terminate the agreement at their request. Termination will require one year notice. Neither party will unreasonably block

termination of the agreement. If the City of Trotwood terminates the agreement during the initial term, it will reimburse the City of Dayton for the cost of the meters on a pro rata basis but not less than 25% of the initial cost of the meters, minus depreciation. This would affect the old City of Trotwood. Mr. Hankins asked if there will be matching agreements with Montgomery County and Jefferson Township. There will not be. Mayor Davis requested a motion to approve Resolution 09-57. Mr. Hankins moved to approve Resolution 09-57, and seconded by Vice-Mayor Cameron. Roll call resulted in 7 yes votes, and Resolution 09-57 is approved unanimously.

RESOLUTION 09-58: A RESOLUTION BY THE TROTWOOD CITY COUNCIL APPROVING A NEW THREE YEAR EMPLOYMENT AGREEMENT WITH MICHAEL J. LUCKING, THE CITY MANAGER:

The Clerk read the caption. City Manager Michael J. Lucking said the legislation authorizes a new three year employment agreement for himself to serve as City Manager. Mrs. McDonald read from a prepared statement: This is the City's Organization Chart. The people or citizens are here at the top. I ran for Council in 2005 and have seen waste of \$112,000.00 for a Jazz Festival, a loss of 62, 000.00. No one has taken responsibility for the misuse of funds. When I came on Council Salem Mall was the priority, Larry Kilduff was the consultant, and expenditures were paid of \$366,000.00. No written reports were provided. The City Manager caused the loss of Wal-Mart on Turner Road. No regular reports from the consultant/lobbyist in Washington. Stonehenge is the new consultant who is not on record regarding the Salem Mall or Landmark project. City Manager doesn't have the new Finance Director in place. Acting Finance Director continues in that position, and there are large budget errors. In the recommended budget, there is no proactive plan for economic development, any prudent financial decisions, lack of transparency, and lack of communication. I have distrust of the administration. We need complete openness to Council and citizens – doesn't have fair leadership. Sound Police and Fire, Public Works. Clerical Staff – do not have pride in the job they do. Volunteers help to build the City. Look into your hearts. There are 27,000 citizens with mortgages. This is the most important vote I can make. Mrs. Gales said from a prepared statement also, this is difficult - she has to speak out. I came onto Council in January 2008, and have seen nothing positive in the leadership style. The City Manager growth has been 1% in two year period. The budget has major shortfall. Greyhound Issue concern of the citizens. I cannot recommend a multiple year contract. Mr. Hankins said City Manager Michael J. Lucking can speak for himself. He received an 8% rating. Look at the economy as a whole. Every citizen in Trotwood is impacted by what is happening in the Country, state, county and the City. How much money does the City receive from Washington? Wal-Mart reneged on a signed agreement. We have to consider the interest of every citizen in the City of Trotwood. Mrs. Gales said she could not vote with the majority. Mr. Vaughn said many statements are accurate, factual. Many things have been accomplished. Past experiences are in Council's discretion, and need a degree of accountability. The City Manager, Law Director and Clerk of Council are hired by Council. We are taking steps to set up measures ongoing. Mrs. McDonald said the Strategic Plan – micromanaged – benchmarks – I have discussed my items of concern. I don't know if we have three (3) years to give the leadership. I speak to citizens, business owners; I have layoffs in my own household. We need innovative ideas to move City forward. Mayor Davis said he understands what Mrs. McDonald, Mr. Vaughn and Mrs. Gales are saying – the City and state are going through major struggles. The City can improve some things. We have to move forward, need different attitudes, and Council must see that. The City Manager has a new attitude. Mayor Davis said results matter. How we continue to move forward in productive manner. Mayor Davis requested a motion to approve Resolution 09-58. Mrs. Gales moved to approve Resolution 09-58, and seconded by Mrs. McDonald. Roll call resulted in 5 yes votes (Vice-Mayor Cameron, Mr. Hankins, Mrs. Staggs, Mr. Vaughn, and Mayor Davis), 2 no votes (Mrs. Gales, and Mrs. McDonald). Resolution 09-58 was approved.

RESOLUTION 09-59: A RESOLUTION BY THE COUNCIL OF THE CITY OF TROTWOOD, OHIO REQUESTING THE AUDITOR OF MONTGOMERY COUNTY TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY OF TROTWOOD AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A 2.00 MILL RENEWAL LEVY FOR PROVIDING AMBULANCE AND EMERGENCY MEDICAL SERVICES AS PROVIDED FOR UNDER O.R.C. §5705.19(U): The Clerk read the caption. City Manager Michael J. Lucking said the current levy is set to expire December 31, 2009. This legislation is a prerequisite to placing an issue on the November 3rd General Election ballot. Mayor Davis requested a motion to approve Resolution 09-59. Mrs. Gales moved to approve Resolution 09-59, and seconded by Vice-Mayor Cameron. Roll call resulted in 7 yes votes, and Resolution 09-59 is approved unanimously.

RESOLUTION 09-60: A RESOLUTION BY THE COUNCIL OF THE CITY OF TROTWOOD, OHIO REQUESTING THE AUDITOR OF MONTGOMERY COUNTY TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY OF TROTWOOD AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A 2.00 MILL REPLACEMENT LEVY FOR PROVIDING AMBULANCE AND EMERGENCY MEDICAL SERVICES AS PROVIDED FOR UNDER O.R.C. §5705.19(U): The Clerk read the caption. City Manager Michael J. Lucking said this legislation is also a prerequisite for placing an issue on the November 3rd General Election ballot, and is a replacement levy which would bring in additional monies. Mayor Davis requested a motion to approve Resolution 09-60. Mrs. Staggs moved to approve Resolution 09-60, and seconded by Mr. Hankins. Roll call resulted in 7 yes votes, and Resolution 09-60 is approved unanimously.

RESOLUTION 09-61: A RESOLUTION BY THE COUNCIL OF THE CITY OF TROTWOOD, OHIO REQUESTING THE AUDITOR OF MONTGOMERY COUNTY TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY OF TROTWOOD AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A 2.00 MILL LEVY FOR THE PURPOSE OF PROVIDING AND MAINTAINING FIRE APPARATUS, APPLIANCES, BUILDING OR SITES THEREFORE AS PROVIDED FOR UNDER O.R.C. §5705.19(I): The Clerk read the caption. City Manager Michael J. Lucking said this legislation is also a prerequisite for placing an issue on the November 3rd General Election ballot, and is an additional levy which would also bring in additional monies. Mayor Davis requested a motion to approve Resolution 09-61. Mrs. Gales moved to approve Resolution 09-61, and seconded by Mr. Hankins. Roll call resulted in 7 yes votes, and Resolution 09-61 is approved unanimously.

RESOLUTION 09-62: A RESOLUTION BY THE COUNCIL OF THE CITY OF TROTWOOD, OHIO REQUESTING THE AUDITOR OF MONTGOMERY COUNTY TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY OF TROTWOOD AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A 2.00 MILL LEVY FOR THE PAYMENT OF PERMANENT, PART-TIME OR VOLUNTEER FIREFIGHTERS, INCLUDING THE PAYMENT OF THE FIREFIGHTER EMPLOYERS' CONTRIBUTION REQUIRED UNDER SECTION 742.34 OF THE REVISED CODE, THE PURCHASE OF AMBULANCE EQUIPMENT OR THE PROVISION OF AMBULANCE, PARAMEDIC, AND OTHER EMERGENCY MEDICAL SERVICES OPERATED BY THE TROTWOOD FIRE DEPARTMENT AS PROVIDED FOR UNDER O.R.C. §5705.19(I): The Clerk read the caption. City Manager Michael J. Lucking said this legislation is also a prerequisite for placing an issue on the November 3rd General Election ballot, and is an additional levy which would also bring in additional monies. Mayor Davis requested a motion to approve Resolution 09-62. Mrs. Gales moved to approve Resolution 09-62, and seconded by Mr. Hankins. Roll call resulted in 7 yes votes, and Resolution 09-62 is approved unanimously.

RESOLUTION 09-63: A RESOLUTION BY THE COUNCIL OF THE CITY OF TROTWOOD, OHIO REQUESTING THE AUDITOR OF MONTGOMERY COUNTY TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY OF TROTWOOD AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A 1.00 MILL ADDITIONAL LEVY FOR THE CONSTRUCTION, RECONSTRUCTION, RESURFACING AND REPAIR OF STREETS AND ROADS AS PROVIDED FOR UNDER O.R.C. §5705.19(G): The Clerk read the caption. City Manager Michael J. Lucking said this legislation is also a prerequisite for placing an issue on the November 3rd General Election ballot, and is an additional levy which would bring in additional monies. Mayor Davis requested a motion to approve Resolution 09-63. Vice-Mayor Cameron moved to approve Resolution 09-63, and seconded by Mrs. McDonald. Roll call resulted in 7 yes votes, and Resolution 09-63 is approved unanimously.

RESOLUTION 09-64: A RESOLUTION BY THE COUNCIL OF THE CITY OF TROTWOOD, OHIO REQUESTING THE AUDITOR OF MONTGOMERY COUNTY TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE CITY OF TROTWOOD AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A 1.00 MILL LEVY FOR THE PURPOSE OF PAYING THE CURRENT EXPENSES OF THE CITY OF TROTWOOD SERVICE DEPARTMENT AS PROVIDED FOR UNDER O.R.C. §5705.19(A): The Clerk read the caption. City Manager Michael J. Lucking said this legislation is also a prerequisite for placing an issue on the November 3rd General Election ballot, and is an additional levy which would also bring in additional monies. Mayor Davis requested a motion to approve Resolution 09-64. Mrs. Staggs moved to approve Resolution 09-64, and seconded by Mrs. Gales. Roll call resulted in 7 yes votes, and Resolution 09-64 is approved unanimously.

RESOLUTION 09-65, A RESOLUTION BY THE TROTWOOD CITY COUNCIL ESTABLISHING THE RATIONALE FOR AND AUTHORIZING THE LAYOFF OF CITY EMPLOYEES, AUTHORIZING CITY EMPLOYEES WAGE REDUCTIONS, CITY EMPLOYEE FURLOUGHS AND ALL OTHER MEANS AVAILABLE TO ADDRESS THE CITY'S "LACK OF FUNDS": The Clerk read the caption. City Manager Michael J. Lucking said this legislation would address the possible deficit the City would face at the end of the FY2009 Budget year. The lack of funds is brought on by the reduction in the State of Ohio Local Government Fund as one of many issues. The projected deficit would be \$557,000.00 if the trend continues at the same pace. All employees; non-union and exempt, the Public Works union employees, the Fire and EMS union employees, and Police Patrol and Police Sergeants are being asked to share in the cost saving measures required to preserve the City's ability to function at an acceptable level. Mrs. McDonald said whatever the decision – it must be fair to union and non-union employees. Council will lead by example. There is sadness in what we are facing. Errors in judgment find us where we are. Staff cuts, none of us would like to see that happen. This is the last of the good jobs. Come to City government. We do not take it lightly. Citizens are facing the same things. Vice-Mayor Cameron said we have struggled with this, and is nothing new. It has always been part of the budget process. Mayor Davis said this is tough. Our region has suffered tremendously, loss of jobs throughout the country and state. The City may have a shortfall. Mayor Davis requested a motion to approve Resolution 09-65. Mr. Hankins moved to approve Resolution 09-65, and seconded by Vice-Mayor Cameron. Roll call resulted in 7 yes votes, and Resolution 09-65 is 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) I would like to thank Broadmoor I Neighborhood Association for their invitation to speak at their last meeting.
- 3) The Youth Triathlon at United Theological Seminary is very strong and committed. They work very hard.

CITY MANAGER:

- 1) Reminder for citizens to use the Trotwood Website - www.trotwood.org
- 2) National Night Out – August 4, 2009 at Target Parking Lot.

COUNCIL MEMBERS COMMENTS:

Council Member Rap Hankins:

New Felon Release Program: This is the Chief of Police Quincy Pope is working with the committee on a Reentry Program. What would the City do with entry back into the community? We are at the table, and so will be a part of the solution. I am also a member of the committee.

First Tier Suburbs Meeting: July 20, 2009 the speaker will be a City of Dayton Economist, and the meeting will be held in the City of Oakwood at 5:30 p.m.

NLC Meeting in Denver, CO: I attended a meeting in Denver, Co, and twelve meetings are being planned throughout the United States to discuss the American Reinvestment and Recovery Act. Articles in the Nations Cities Weekly. Please read. The State of Ohio deficit budget is increasing. A Resolution on Healthcare will be in your mailboxes tomorrow. NLC is discussing Land Use – A Land Bank to Manage Vacant and Foreclosed Properties. Please try to attend one of the 12 meetings.

Council Member Mary McDonald:

New Restaurant on Shiloh Springs: The owner is talking with Planning and Zoning Administrator Carl Daugherty and Montgomery County. It is a restaurant, French Culinary chef. The owner is having problems getting his permits. Mayor Davis asked Why does he not have a permit? Mrs. McDonald doesn't know why, but believes in Good customer service.

Walking Tour of Beautiful Lawns: Please join us in Ward 4 for the tour of beautiful Lawns - August 15th 2:00-5:00 p.m. The tour will begin at 3687 Mandalay Drive.

VFW Post 4270: Commander Wesley Willis would like to secure the former Township Hall as their Post site. Let's move the discussion along to make that happen.

Mayor Darreyl D. Davis:

Council Member Bettye L. Gales met with the Montgomery County Commission about the impact of their decisions on the City of Trotwood. Good job Mrs. Gales.

STAFF:

PLANNING AND ZONING ADMINISTRATOR CARL DAUGHERTY – GREATER DAYTON RTA NORTHWEST HUB ZONING: Following is a chronological summary of activities relating to Greater Dayton RTA's occupancy at the Northwest Transit Hub.

- City of Trotwood and Madison Township merge in 1996. Zoning and land use regulation of the area of post-merger Trotwood (known previously as Madison Township) continues to operate under the former township zoning resolution.
- Greater Dayton Regional Transit Authority purchases property at 2075 Shiloh Springs Road in March of 1997.
- Under the former Madison Township Zoning Resolution, RTA applies for and obtains *Conditional Use* approval on February 24, 1998 from the Planning Commission to establish transit hub facility operations.
- City of Trotwood adopts new land use plan (including zoning code and atlas) which applies to all of post-merger Trotwood in January, 1999.
- Zoning certificate applied for and obtained from the City of Trotwood on March 10, 1999 to establish bus transit facility at 2075 Shiloh Springs Rd.
- Certificate of Use and Occupancy issued on August 18, 2000 by the Montgomery County Building Department for occupancy of 2075 Shiloh Springs Road as a bus Passenger station.

Mayor Davis said a change in ownership would have required new conditional Use permit.

Mrs. McDonald asked why did Mr. Daugherty give her a copy of the application and not a copy of the permit. We must be customer service friendly.

BUILDING PROGRAM MANAGER /CODE ENFORCEMENT SCOTT ADAMS - UPDATE

DEMOLITONS: Demolition is being accomplished on Salem Avenue. Noble Communications (old Frisch's) is being demolished. The City is demolishing the entire Joseph site and Taco Bell. They should be complete within 2-3 more weeks. We would like to demolish Wendy's also, but the owner is not interested. We were awarded 6 out of the 8 grants I applied for through CDBG for demolition. Mrs. McDonald said Private dollars are lost if the building is removed. Mr. Hankins said the Kon Tiki site was torn down and is now a Medical Center. Mr. Hankins said Stabilization of the community is important – County CDBG rants are good for the community.

PUBLIC WORKS DIRECTOR/PARKS DIRECTOR THOMAS ODENIGBO – UPDATE SALEM AVENUE

PROJECTS: The improvements start in front of Wal-Green's and Covenant Drive And & Denlinger Road- Maria Joseph. This is the biggest project we have done since I came to work for the City. The grants were funded through OPWC for about 4 million dollars. The work started on June 1 and will go through October. Open road, curb and gutter on both sides – Project 40% complete. Traffic

Signals have been removed and replaced. Realignment of the Shiloh Springs Salem Avenue intersection will take place. We will be blocking a section on Shiloh Springs Road and we will take to the business owners. Major challenges – the work is being done without change orders. Mayor Davis – Lobbyist Rich Warren secured 1 million dollars for the road through the American Reinvestment and Recovery Act. Olive Road will be beautiful when the work is complete – again Stimulus dollars, \$782,000.00 in the City of Trotwood. In 2002, we received 1 million – in design dollars. Congressman Turner assisted in getting the City 1 million dollars in 2005. OPWC grants have been secured by Public Works Director Odenigbo. Mrs. McDonald said she doesn't like the trees on Salem Avenue. Mayor Davis said you can't cut the trees down if you want them to grow. The trees are O.D.O.T. trees. Mr. Odenigbo said he doesn't have the manpower to take care of the trees.

VISITORS AND COMMUNICATIONS:

JANICE CHINN – 5213 WEIGOLD CT. 45426 – WARD 2: City Manager's performance. Request for information – copy of the permit was all I needed, but received lots of information I did not need and did not request. I received certified letter from RTA. I am baffled at the Council's vote on the legislation to approve a new three year contract for the City Manager.

BRENDALEE ROSEMAN – 609 VANIMAN AVENUE 45426 – WARD 1: Stay on the agenda. Disappointed with Ron Vaughn, Mayor Davis, Vice-Mayor Cameron, Barbara Staggs and Rap Hankins vote on the City Manager's employment agreement. Mr. Hankins do not attend the other 12 meetings. It cost more to send you than others to meetings. Mr. Hankins said deal with facts. I was elected to serve the people. I have lived in the City of Trotwood for 30 years. I stand on my record.

JOHN T. FECKE – 7554 LITTLE RICHMOND ROAD 45427 – WARD 3: Let's move the podium back. The State of Ohio is the highest taxing state. Trotwood is the highest taxing district. Mayor Davis we should get grant dollars. We have paid for them. If the City is not at the table – we will not get the grant dollars.

JOANNE B. KOESTERS – 7849 POST TOWN ROAD 45426 – WARD 3: Safety issue on Wolf Creek Pike and Snyder Road. Trees and weeds growing near the poles. There is no clear visibility. Could be a serious accident at that location.

MOTION TO ADJOURN:

Mayor Davis said the Meeting is adjourned at 10:45 p.m. Council concurred.

ATTEST:

APPROVED:

Lois M. Singleton, Clerk of Council

Darreyl D. Davis, Mayor