

**TROTWOOD CITY COUNCIL
MEETING MINUTES
NOVEMBER 16, 2009**

The Trotwood City Council met in their Regular Scheduled Meeting on Monday, November 16, 2009 at 7:30 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 (Absent – vacation), 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 Public Works Director Dalton Hines, Acting Finance Director Patricia Shively, Fire & Rescue Chief Eugene Lutz, Police Chief Quincy E. Pope, Sr., Police Captain John Porter, Planning & Zoning Administrator Carl Daugherty, Building Program Manager/Code Enforcement Scott Adams, Human Resources Manager Barbara Brooks, Income Tax Administrator Cathy Armocida, and Secretary to City Manager/Deputy Clerk Sandy Riege, and Clerk of Council Lois M. Singleton.

VISITORS:

Virginia Litchfield, Theodore C. Fowler, Tabatha Litchfield, William Krest, Ellen Diehl, Mattie Clay, James D. Williams, II, George Riber, Joe Herr, Ted Hacker, Ronald Koesters, George Weitendorf, Shirley Barber, Dave Norvell, Larry Jackson, George Tyler, Janice Chinn, Wanda Adams, Dawn Wojick, Joseph McDonald, Rob Andrews, Dora Garner, Raymond Garner (President Trotwood Chamber), Quintin Blake, Shayla Bolden, Jordan Scott, Loren Gross, Shaunice Passmore, Marjorie Townes, Tammy Tucker, Antonia Moore, Cheyenne Nellum, Stephen H. Milliken (TFD), Sean J. Lehrter (TFD), Kenny Goodpasture, William Richardson, Ellsworth Szkudlarek, Dave Szkudlarek, Maria Mejia, Joyce Maness, Tim Cargle (Clara's Heart), Bruce Brandstetter, Nancy Marino, John T. Fecke, Christina Lewis, Monique Walker, Toni Coleman (Dayton Daily News), Vernetta Walker, and Thomas Clay.

PRESENTATIONS AND RECOGNITIONS:

PRESENTATION – CERTIFICATES OF APPRECIATION – TROTWOOD FIRE AND RESCUE LEVY COMMITTEE – FIRE CHIEF EUGENE C. LUTZ: The Fire Department is very appreciative of the role the committee played in getting the levies passed. Committee members are: Ellen Diehl, Rich Wagner, Steve Milliken, Bill Krest, George Weitendorf, Jerome Hazard, Ted Fowler- Chair, and Sean Lehrter.

PRESENTATION – TROTWOOD CERTIFICATES OF APPRECIATION – PUBLIC WORKS DEPARTMENT – ACTING PUBLIC WORKS DIRECTOR DALTON HINES: Public Works Road Department thanks the community for passing the levy. The committee did an outstanding job. Reverend James Washington, Mark Meade, Clara Schaff, Jon Stoops, Ralph Goins, Reverend Dr. Hence Coates, Flora Northern, Dr. Major Lee, Reverend J. Thomas Johnson, Rufus Knox, Gayle Gibbons, Ray Garner, and Ted Fowler. Business and co-workers: Bruce Brandstetter, Terry Lodge, Al Jackson, Mike Lucking, Tom Long, Ted Fowler, and Johnny McClusky.

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, October 19, 2009.

- 2). Motion of the Trotwood City Council to schedule a public hearing on PC Case #09-07, Requesting approval of a PUD amendment to permit the establishment of Board of Education Administrative Office for the Trotwood Madison City Schools at 3594 N. Snyder Road, and to draft legislation.
- 3) Motion of the Trotwood City Council to schedule a public hearing on an ordinance repealing current section 183-03 of the Trotwood Code of Ordinances, and adopting new

Mayor Davis requested a Motion to approve the Consent Agenda. Mrs. Gales moved to approve the Consent Agenda, and seconded by Mrs. Staggs. Roll Call resulted in 6 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. Mr. Vaughn moved to approve the Motion to adjourn into the Public Hearing portion of the agenda at 7:40 p.m. and seconded by Mrs. McDonald. Roll call resulted in 6 yes votes, and the Motion was approved unanimously.

Mayor Davis administered the Oath to one resident who would speak for or against one of the public hearings.

ORDINANCE 21-09: AN ORDINANCE AMENDING SECTIONS 1123.02; 1159.04; 1161.04; 1163.04 AND APPENDIX "B" OF THE PLANNING AND ZONING CODE OF THE CITY OF TROTWOOD, OHIO:

The Clerk of Council read the caption. City Manager Michael J. Lucking reminded Council that an overview of the proposed changes included in the amendment was presented at the October 19th Council Meeting. Planning and Zoning Administrator Carl Daugherty will provide a summary of the proposed zoning amendments for City Council during the public hearing. Planning and Zoning Administrator Carl Daugherty provided the summary. Mrs. Janice Chinn, 5312 Weigold Ct., Trotwood, OH 45426 is in opposition to Ordinance 21-09. Mrs. Chinn's concerns are the environmental assessment needs to be completed, and the changes being made to Sections 1161.04 and 1163.04. As reported in the October 19th Meeting, the environmental assessment is not at issue, and the changes in Sections 1161.04 and 1163.04 are minimal, allowing elementary and secondary education facilities in other districts. Mayor Davis requested a motion to approve Ordinance 21-09. Mr. Vaughn moved to approve Ordinance 21-09, and seconded by Vice-Mayor Cameron. Roll call resulted in 6 yes votes, and Ordinance 21-09 was approved unanimously.

Notice is hereby given that on MONDAY, NOVEMBER 16, 2009 at 7:30 P.M., or as soon thereafter as possible, at the TROTWOOD COMMUNITY CENTER, 4000 Lake Center Drive, Trotwood, Ohio, the Trotwood City Council will hold a public hearing on the following: Planning Commission Case #09-05 - REZONING of improved properties Located on the north side of Salem Avenue (between Denlinger and Wolfe Roads)- including Parcel I.D. #'s H33-01713-0001; H33-01619-0003, 4, 5, 7, and 8—from the "B-P" Business Park Zoning District, to the "PUD" Planned Unit Development District; AND; PLANNED UNIT DEVELOPMENT APPROVAL of a land use and development plan for the Salem Plaza, a 10.77 acre commercial retail center and indoor tennis center Area. The PUD identifies three specific areas including: Section 1 (Commercial Recreation Center), Section 2 (Commercial Retail/Light Industrial Center), and Section 3 Commercial Retail/Social & Community Center). The property owners are: Kalm Properties, LLC, 4801 Salem Ave., Dayton, OH 45416. Owner of Parcel

I.D. #H33-01713-0001 Nile River LLC, 4813 Salem Ave., Dayton, OH 45416. Owner of Parcel I.D. #'s H33-01619-0005 and H33-01619-0007 Zahra Investments LTD, 4813 Salem Ave., Dayton, OH 45416 Owner of Parcel I.D. #'s H33-01619-0004 and H33-01619-0008 St. Vincent DePaul Charitable Enterprises, Inc., 1133 S. Edwin C. Moses Blvd., Suite 300, Dayton, OH 45408 -Owner of Parcel I.D. #H33-01619-0001: The Clerk of Council read the caption. City Manager Michael J. Lucking said this is a proposed re-zoning of certain improved properties located in the 4800 block of Salem Avenue for property commonly referred to as Salem Plaza and the Dayton Indoor Tennis Center. Planning and Zoning Administrator Carl Daugherty will present a summary overview of the proposed PUD rezoning during the public hearing. PC Case #09-05: public hearing for the rezoning of properties located on the north side of Salem Avenue (Parcel I.D. #'s H33-01713-0001; H33-01619-0003, 4, 5, 7, and 8) from the "B-P" Business Park Zoning District, to the B-PUD" Planned Unit Development District; and Planned Unit Development Approval of a land use and development plan for the Salem Plaza, a 10.77 acre commercial retail center and indoor tennis center area. The PUD identified three specific areas including: Section 1 (Commercial Recreation Center), Section 2 (Commercial Retail/Light Industrial Center), and Section 3 Commercial Retail/Social & Community Center).
The property owners: Kalm Properties, LLC, 4801 Salem Ave., Dayton, OH 45416.
Nile River, LLC, 4813 Salem Ave., Dayton, OH 45416.
Zahra Investments LTD, 4813 Salem Ave., Dayton, OH 45416
St. Vincent DePaul Charitable Enterprises, Inc., 1133 S. Edwin C. Moses Blvd., Suite 300, Dayton, OH 45408

Land Use Request: Rezone the 11-acre site (comprised of Salem Plaza and Dayton Indoor Tennis Center) from the "B-P" Business Park District to the "B-PUD" District. Adopt a land use and development plan (PUD document) for the entire area. Identification of three distinct sections of the PUD, and specific land use plans devised for each.

Process: Planning Staff contacted by St. Vincent's upon purchase of the former Rex TV building last spring. St. Vincent's obtained approval for thrift store operations. St. Vincent's also wishes to partner with Precious Blood as a partial end user of the building. Precious Blood's proposed occupancy is two-fold: Community Center for parish-related activities. Use of the rear portion of the building for food pantry services (by appointment only). Pursued comprehensive approach of the entire Salem Plaza and Dayton Indoor Tennis Center areas (nearly 11 acres). PUD identifies similar and contrasting land use patterns. Defines three separate sections. Establishes land use plan variations for each section. Recognizes presence of (3) on-site property owners, each of which operates from a different business model.

Site Description. 11-acre site is located on north side of Salem Avenue, between Denlinger and Turner Roads. Between the Dayton Indoor Tennis Center to the north, and the remaining commercial retail center to the south, there is more than 150,000 sq.ft. of commercial building area on the site. The property is flag-shaped and features relatively limited frontage along the Salem Avenue corridor. Building improvements closely abut Precious Blood to the northwest. Level of off-street parking exceeds the demand.

Current Occupancies: 1). St. Vincent Thrift Store (approved) 2). Vice's Shoe Repair 3). Sherwin Williams Paint 4). Nile River Offices 5). Access Systems 6). Dayton Indoor Tennis Center.

Surrounding Land Uses: North: Light industrial (Allen Refrigeration)/undeveloped acreage. South: Assisted Living (Maria –Joseph Center). East: Undeveloped acreage. West: School/Place of Worship (Precious Blood Parish).

PUD Areas: 1) Section 1 Commercial Recreation Center, Section 2 Commercial Retail/Light Industrial Center, and Section 3 Commercial Retail/Social & Community Center.

Section 1: Commercial Recreation/Business Park Center: 5.7 acre area located to the northern-most portion of the site. Lacks frontage and direct visibility from Salem Avenue Corridor. Building improvements are tailored specifically to the current commercial recreation use. The size/height of the buildings and property acreage could lend to other type uses. Signage provisions incorporated within PUD are an important aspect of the land use plan for Section 1. Owned by Kalm Properties, LLC.

Section 2: Commercial Retail/Business Park Center: More than 4 acres in area, Section 2 is located immediately south of Section 1. Unlike Section 1, Section 2 has much greater visibility from Salem Avenue. To a large extent, building improvements are tailored specifically retail and serviced-based uses (i.e. retail, offices, etc.). However, the Section 2 does include one larger tenant area occupied by a light industrial end user (Access Systems). Owned by Nile River, LLC & Zahra Properties, LTD.

Section 3: Commercial Retail/Social & Community Center: The smallest of the three sections at .5 acres, Section 3 consists of a 14,000 sq. ft. commercial retail building. Section 3 has the greatest visibility and accessibility relative to the Salem Avenue Corridor. Recently purchased by St. Vincent De Paul, who will be establishing occupancy as a thrift store location in approximately 5,500 sq. ft. The remainder of the space is proposed to be leased and occupied by Precious Blood as: Community Center within the remaining storefront space. Food pantry to be operated on a limited basis, by appointment only. Under the PUD, both would operate as accessory uses subordinate and incidental to the principal use (church/school). Both would require a conditional use approval.

PUD Document: List of principally permitted, conditionally permitted, as well as accessory uses. Development standards associated with each section. Signage.

Planning and Zoning Administrator Carl Daugherty said there is no new building with this site, only existing uses. Mrs. McDonald asked is St. Vincent non-profit or commercial. That is incidental to the request. Law Director Steve McHugh said St. Vincent is a 501c_? – Not for profit, or not for tax purposes.

Mayor Davis requested a motion to have the Law Director draft legislation for the rezoning as recommended, and to approve the PUD. Mr. Vaughn moved to request the Law Director draft legislation to for the rezoning as recommended, and to approve the PUD, and seconded by Vice-Mayor Cameron. Roll call resulted in 6 yes votes, and the Motion was approved unanimously.

Mayor Davis requested a motion to close the public hearing and return to the regular agenda. Mrs. McDonald moved to close public hearing at 8:13 p.m., and return to the regular agenda, and seconded by Mrs. Staggs. Roll call resulted in 6 yes votes, and the Motion was approved unanimously.

OLD AND NEW BUSINESS:

Mayor:

- 1) Residence in Praise – High School Musical 2 On Stage – performance dates: Friday, November 20th -7:00 p.m., Saturday, November 21st – 8:00 p.m., and Sunday, November 22nd – 5:00 p.m. Tickets are \$10.00. Call ahead to reserve your seats.

- 2) Trotwood Community Unity Celebration – Sunday, November 22nd 6:00 p.m. at the Trotwood-Madison High School. Connecting with our Youth. Sponsored by the Trotwood Ministerium.
- 3) We are so happy to have the Trotwood-Madison High School students in our audience tonight. You are our future. Do come back again. I understand some of you need to have your agendas signed for class requirement. Please see myself or Mrs. Singleton, Clerk of Council. Thank you for coming out.
- 4) 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.

CITY MANAGER:

- 1) Reminder – website is updated - www.trotwood.org
- 2) Salem Mall Site Redevelopment Concept Plan Unveiling – Open House at the Trotwood-Madison High School Commons Area on Monday, November 30, 2009 5:00-6:00-7:00 p.m.

COUNCIL MEMBERS COMMENTS:

Council Member Bettye L. Gales:

Planning Commission Meeting – October 27, 2009:

Mrs. Gales who is the alternate Council representative to the Planning Commission said she was the only elected official in the audience on Tuesday, October 27th, and felt she should apologize to the residents who attended as the meeting got out of hand.

Support Business in our City: As the Trotwood Chamber suggests, please think globally, but shop locally.

Council Member Mary A. McDonald:

Thank you to Veterans in the Audience: Thank you for your outstanding service to the United States of America. Happy Veterans Day. Many young people are away in foreign lands in the service of our country including my son.

National Diabetes Month: Walgreens has free screening for those who might have diabetes.

Thanksgiving Baskets: I will distribute Thanksgiving baskets to needy families next Wednesday. Thank you so much to those who have contributed to this project to make it possible. There are many in need in our community.

I have a list of other services available to those in our community. Get in touch with me if you may be someone who needs a particular service. I will provide the information.

Leaf Pickup: I have heard from many residents about leaf pickup. Many are too elderly or ill to pick up their leaves and need the City to help in some way. We will need to have a discussion about Leaf pickup.

Council Member Ron Vaughn:

Council Member Vaughn thanked Mrs. McDonald for all she is doing in her outreach services.

Also I would like to thank St. Vincent de Paul and Precious Blood Church for all they do to help our community and the Miami Valley.

STAFF:

7TH ANNUAL MAYOR/CITY COUNCIL HOLIDAY TREE LIGHTING CEREMONY –SATURDAY, DECEMBER 5, 2009 2:00-5:00 P.M.- TERRY M. LODGE-RECREATION PROGRAM SPECIALIST: Come out and wear your Santa hat and join in the festivities at the Olde Town Train Depot, corner Main and Broadway. There will be hayrides by a horse-drawn wagon; admission to ride is one (1) can food item per person donated to the Greater Works Church Food Pantry. Singing of holiday songs provided by local community groups; Residence in Praise and the Trotwood-Madison High School Choir will sing, refreshments will be provided by the Trotwood-Madison Historical Society, and the arrival of Santa Claus. One lucky child will be chosen that evening to assist Mayor Davis in turning on the Holiday Tree lights at 4:00 p.m. Fill out your entry form at the Depot that evening. Children 12 and under are eligible to enter.

CITY OF TROTWOOD 2009 “SPIRIT OF CHRISTMAS” AWARD: Terry M. Lodge – Recreation Program Specialist said the award recognizes City residents for their display of holiday decorations. Nominations are being accepted for Best Decorated Homes. Please complete the form and return it to the City of Trotwood to nominate someone. Judging will take place between the hours of 6-8 p.m. on Friday, December 18th. Winners will be announced and awarded at the Monday, January 4, 2010 Council Meeting. 1st Place – \$100.00, 2nd Place - \$50.00, and 3rd Place - \$25.00. Contact Trotwood Recreation Division at 854-7227 or kbailey@trotwood.org.

SALEM AVENUE ROAD IMPROVEMENTS ARE COMPLETE – ACTING PUBLIC WORKS DIRECTOR DALTON HINES: Salem Avenue and Shiloh Springs Road curbs and gutter and paving are complete. Mast arms are not yet installed as they have not come in from the supplier. The work on Salem Avenue and Denlinger Road –sidewalks, curb and gutter are complete. The work at Salem Avenue and Salem Bend is not yet complete as new poles have not been installed. Mayor Davis said the traffic is flowing very well, and feels good. Mrs. Gales said the project looks good.

UPDATE BUDGET WORKSHOP SCHEDULE – ACTING FINANCE DIRECTOR PATRICIA A. SHIVELY: Mrs. Singleton will send out an e-mail to Council to determine their availability with the dates that have been proposed.

BALLOT LANGUAGE: City Manager Michael J. Lucking said the legislation approved by Council is taken to the Montgomery County Board of Elections and the legislation is sent to the Secretary of State’s Office for confirmation with the Ohio Revised Code. The Road Levy Committee did an outstanding job sending out information on the levies.

The City had Wright State University conduct a poll prior to the election to see how residents would support tax levies in our City. The poll showed that the Road levies did not get a very high rating. It could go either way.

COUNCIL MEMBER MARY MCDONALD CHASTISE PLANNING AND ZONING ADMINISTRATOR CARL DAUGHERTY: Mrs. McDonald took offense at a statement made during the public hearing portion of the meeting, and advised Planning and Zoning Administrator Carl Daugherty that Council is responsible to the citizens, and not the City Manager's Staff.

LAW DIRECTOR TO EXPLAIN BALLOT LANGUAGE: Law Director Steve McHugh explained that once the legislation to place an issue on the ballot is approved by the City Council, the Clerk of Council takes the legislation to the Montgomery County Board of Elections. The Montgomery County Board of Elections confirms the ballot language with the Secretary of State's Office. The Secretary of State's Office consults the Ohio Revised Code and if it does not find an issue with the Ohio Revised Code and the language, it is approved for the ballot.

LEAF PICKUP – ACTING PUBLIC WORKS DIRECTOR DALTON HINES: Leaves maybe placed in any trash bag made for that purpose, and set out for the trash hauler to pick them up. The trash hauler will pick up to 12 bags from one residence. You may also compost your leaves. You may also take the leaves to the leaf pickup pile behind A&B Auto off Olive Road. Leaves only.

VISITORS AND COMMUNICATIONS:

Mattie Clay, 413 E. Eppington Drive, 45426- Ward 1: Congratulations Mrs. Cameron on your win. Thank you to the citizens for the encouraging words, and to Mr. Riber for all of your help. It was a good race.

Larry Jackson – 4801 Salem Avenue, 45426 – Ward 2: Thank you Council for your consideration of the request to rezone the Salem Plaza property, and to approve a PUD. Mr. Carl Daugherty – thank you for all of the help in getting this project done. Congratulation on being a good Staff Member and very professional in your handling of our questions and issues. I keep my property well groomed and I am looking for other properties in the area to do the same.

George Riber – 8 Caisson Street 45426 - Ward 3: I worked with the Police Department and Code Enforcement to correct some issues in my area. I heard what is rumored to have been said by me to Rap Hankins. I did not say anything to him, he disrespected me. Mayor Davis asked that Mr. Riber refrain from speaking about Council Member Hankins in his absence. Mr. Riber said he would not stop speaking, and that he did not like Mr. Hankins because he did not respect the flag.

Ted Hacker – 4801 Salem Avenue 45426 – Ward 2: I am a partner in Kalm Properties, LLC, Dayton Center Courts. Thank Council for taking the action to approve our request. Thank you to Carl Daugherty for doing the right thing to get business in the community. You are a great professional and show common courtesy as you go about your work. Thank you for your vision and insight.

Janice Chinn – 5213 Weigold Ct., 45426 - Ward 2: The City has an operating levy of 5.75 mills; why not help with leaf pickup. I invite the City Manager Michael J. Lucking and Acting Finance Director Patricia Shively to a meeting we are hosting on Saturday at 1500 Shiloh Springs Road to discuss finances and taxes. Mayor Davis said you may submit your questions to the City Manager at any time to see if they can be clarified. I too received calls regarding the levy failure. I appreciate your comments.

City Manager Michael J. Lucking said he would more than happy to meet with you or anyone. I have not had a message from you or anyone regarding this.

Trotwood City Council
Meeting Minutes
November 16, 2009

Ronald Koester – 7849 Post Town Road 45426 – Ward 3: Leaf Pickup – no plan for leaf pickup. Council or Staff did not communicate with the public. Salem Avenue looks nice. Drive toward Clayton and see if you can determine what lane you are in. There are 4 lanes heading east, no curb marking. Is this new? It is confusing. Extend your lines out to the edge.

Reverend Bill O'Donnell – PRECIOUS BLOOD CHURCH – 4561 SALEM AVENUE 45426 – WARD 2: I would like to thank Council for your approval of the project. Thanks for your treatment of our church. Council Member Hankins has contacted me over the years when there are issues, and is the first to come to me to try to work out a solution. Thank you to Mr. Daugherty and the City Manager for your efforts for the 60th Anniversary of Precious Blood. We have over 3000 students graduating, over 300 students in K-8th grade. The needs of our community are greater and greater. We receive over 100 calls per week for help. We are grateful for our ministry and proud to be in the City of Trotwood.

Joe Herr – 4561 Salem Avenue 45426 – Ward 2: Thank you for the change in zoning. The property owners are passionate and we appreciate the City's help, Mr. Daugherty. Are there questions about what we are doing with the property? City Manager Lucking explained.

Rob Andrews – 9243 Amcar Ct., Centerville, OH 45459: St. Vincent de Paul is happy to be in the City of Trotwood. The partnership is working very well. Thank you for all of your help.

James D. Williams, II – 4538 Freudenberger Avenue 45417 – Ward 4: Congratulations to Mary McDonald. I am privileged to be allowed to speak as there is nothing in the Charter that says I have to be allowed to speak. Respect goes both ways. You have to give it to get it. There have been many character assassinations in these meetings. Respect is key. Corner of Salem Avenue and Shiloh Springs Road – turning left lighting needs to be addressed. Other lighting is brighter. Some are raking leaves to the curbs for leaf pickup. We are passing out bags in Wards 3 and 4. We are pleased to know there is a place to dump leaves.

VIRGINIA LITCHFIELD – 1435 STUBEN DRIVE 45417 – WARD 4: Pick up leaves in your neighborhoods. We did 20-23 houses, three adults and five kids. Stop waiting on the City. I also want to say I appreciate Greyhound. I don't have to go downtown to pick up someone who travels to Ohio to visit.

MOTION TO ADJOURN:

Mayor Davis moved to adjourn the meeting at 9:05 p.m.

ATTEST:

APPROVED:

Lois M. Singleton, Clerk of Council

Darreyl D. Davis, Mayor