

**TROTWOOD CITY COUNCIL  
MEETING MINUTES  
DECEMBER 7, 2009**

The The Trotwood City Council met in their Regular Scheduled Meeting on Monday, December 7, 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 for Commander Wesley Willis, VFW Post 4270, a veteran of World War II.

ROLL CALL

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

Staff Members present: City Manager Michael J. Lucking; Law Director Steve McHugh, Acting Public Works Director Dalton Hines, Acting Finance Director Patricia Shively, Fire & Rescue Chief Eugene Lutz, Police Chief Quincy E. Pope, Sr., Planning & Zoning Administrator Carl Daugherty, Building Program Manager/Code Enforcement Scott Adams, Human Resources Manager Barbara Brooks, Police Captain Erik Wilson, Secretary to City Manager/Deputy Clerk Sandy Riege, and Clerk of Council Lois M. Singleton.

VISITORS:

Ellsworth Szkurlarek, Theodore C. Fowler, William Krest, Marie Battle (Trotwood Chamber Executive Director), Glenda Griffin, Ralph & Phyllis Goins, Eloise R. McCray, Michael McCray II, Janice Chinn, Sam Braun (Montgomery County Auditor's Office), Todd Daniel, James D. Williams, Harry Patton, Joanne Koesters, Cheyenne Lawson, Kenny Goodpasture, Brandon Staley, Wanda Adams, Duane Plessinger, Cindy Baushman, Andrea Foy, John T. Fecke, Joseph McDonald, George Weitendorf, George Tyler, Nancy Marino, Dave Norvell, William Richardson, Helen Sarsgard, Bev Tomlinson, Marjorie Townes, Bruce Kettelle (Totally Trotwood), Toni Coleman (Dayton Daily News), and Herbert Marshall.

PRESENTATIONS AND RECOGNITIONS:

PRESENTATION – MONTGOMERY COUNTY AUDITOR KARL KEITH – LEVIES AND MILLAGE IN THE CITY OF TROTWOOD: Montgomery County Auditor Karl Keith said there re 91 different taxing districts in Montgomery County. There are nine (9) levies currently in the City of Trotwood: four (4) are in the Fire Department and are continuous, one (1) Current expenses, one (1) Street Improvement, one (1) Street Levy (1 mill), one (1) Ambulance – EMS 2 mills, and new Fire – 2 mills additional. To calculate one (1) mill in the City - \$1.00 for every \$1,000.00 of valuation equals \$338,268.00 in Trotwood. Inside millage is 1.6 mills, and a total of 12 inside millage for schools and county. Gross millage is 19.65 mills which is 16.96 effective tax mills. Vice-Mayor Cameron asked how often the reappraisal of property is done. Reappraisal is done every six (6) years, and an update is done midway that period. The last reappraisal was done in 2008, and the midway update will be done in 2011. Mr. Vaughn asked if the midway evaluation – increase or decrease the taxes. The value changes every year, effective rate. The schools may also appeal the property tax value if they think the value too low on an individual property. You may appeal your tax valuation between January 1 and March 1. Mrs. McDonald asked for more explanation of the gross and effective rates, and the reduction factor. Mr. Hankins asked if the valuation went up with the reappraisal. Residential dropped 1% countywide with a .2 increase countywide. Mr. Vaughn asked if the tax rate in Trotwood higher than surrounding counties. Trotwood has the highest tax rate in the County with the passage of the levies in the last election. Mayor Davis asked for an explanation of highest taxes. Mr. Vaughn asked about property tax on a property valued at \$100,000. Mr. Hankins asked Auditor Keith to compare Trotwood's tax rate to cities

of relative size. Mayor Davis thanked Montgomery County Auditor Karl Keith for coming out this evening and explaining tax levies and millage in the City of Trotwood.

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, November 16, 2009.
- 2). Motion of the Trotwood City Council to request the Law Director draft legislation to amend the annual appropriation ordinance for the City of Trotwood, Ohio as adopted January 5, 2009, and amended October 19, 2009, and authorizing the adjustment of various expenditures of the City of Trotwood for fiscal year beginning January 1, 2009, and to schedule a public hearing.
- 3). Motion of the Trotwood City Council to request the Law Director draft legislation to approve an annual appropriation ordinance for the City of Trotwood, Ohio for fiscal year beginning January 1, 2010, and to schedule a public hearing.
- 4). Motion of the Trotwood City Council to request the Law Director draft legislation to approve a temporary appropriation ordinance for the City of Trotwood, Ohio for fiscal Year beginning January 1, 2010, and to schedule a public hearing.
- 5). RESOLUTION 09-91: A RESOLUTION BY THE TROTWOOD CITY COUNCIL APPOINTING MEMBERS TO THE TROTWOOD PUBLIC SAFETY COMMITTEE FOR A THREE YEAR TERM. (Andrea Foy, Nancy Marino, and Herbert Marshall).
- 6). Earnest Hill, Planning Commission Member – Term to expire on December 31, 2009. Motion to advertise the term expiration.

Mayor Davis requested a Motion to approve the Consent Agenda. Mrs. Staggs moved to approve the Consent Agenda, and seconded by Vice-Mayor Cameron. Roll Call resulted in 6 yes votes, 1 abstention (Mr. Hankins), and the Motion was approved.

Mayor Davis asked that Angela Foy, Nancy Marino and Herbert Marshall stand as the newest appointees to the Public Safety Committee. All were present.

PUBLIC HEARINGS:

Mayor Davis requested a Motion to adjourn into the Public Hearing portion of the agenda. Vice-Mayor Cameron moved to approve the Motion to adjourn into the Public Hearing portion of the agenda at 7:55 p.m. and seconded by Mr. Hankins. Roll call resulted in 7 yes votes, and the Motion was approved unanimously.

There were no opponents or proponents who stood to receive the Oath this evening.

ORDINANCE 22-09: AN ORDINANCE REPEALING CURRENT SECTION 183.03 IMPOSITION OF TAX" AND ADOPTING NEW SECTION 183.03, TO ALLOW AN INDIVIDUAL WHO OPERATES TWO

OR MORE SOLE PROPRIETORSHIPS, RENTALS, FARMS, OR REPORTABLE PARTNERSHIPS SUBJECT TO TROTWOOD TAXES TO OFFSET THOSE PROFITS/LOSSES AGAINST EACH OTHER AND TO ALLOW FOR THE COLLECTION OF TAXES ON GAMBLING AND LOTTERY WINNINGS, AND TO DECLARE AN EMERGENCY: [Motion to remove Ordinance 22-09 from the agenda, and readvertise as two separate ordinances:](#) The Clerk of Council read the caption. City Manager Michael J. Lucking asked Council to approve a motion to remove Ordinance 22-09 from the agenda, and to readvertise as two separate ordinances. Mayor Davis requested the motion. Mrs. Gales moved to remove Ordinance 22-09 from the agenda, and to readvertise as two separate ordinances, and seconded by Mr. Hankins. Roll call resulted in 7 yes votes, and the Motion to remove Ordinance 22-09 from the agenda, and readvertise as two separate ordinances was approved unanimously.

ORDINANCE 23-09: AN ORDINANCE BY THE COUNCIL OF THE CITY OF TROTWOOD, OHIO, APPROVING A REQUEST FOR A CHANGE IN THE DISTRICT BOUNDARIES AS SHOWN ON THE ZONING MAP OF THE CITY OF TROTWOOD, OHIO, PURSUANT TO AN APPLICATION FILED BY THE CITY OF TROTWOOD FOR 10.77 ACRES OF REAL PROPERTY LOCATED WITHIN THE 4800 BLOCK OF THE NORTH SIDE OF SALEM AVENUE, EAST OF DENLINGER ROAD, CURRENTLY KNOWN AS THE SALEM PLAZA AND DAYTON INDOOR TENNIS CENTER [PARCEL I.D. H33-01713-0001; H33-01619-0003; H33-01619-0004; H33-01619-0005; H33-01619-0007; AND H33-01619-0008] FROM B-P BUSINESS PARK ZONING DISTRICT TO B-PUD BUSINESS PLANNED UNIT DEVELOPMENT DISTRICT: The Clerk of Council read the caption. City Manager Michael J. Lucking asked Planning and Zoning Administrator Carl Daugherty to provide a brief overview. Planning and Zoning Administrator Carl Daugherty said this legislation would approve a change in the current City of Trotwood zoning map for a 10.77 acre property located in the 4800 block of Salem Avenue for the property commonly referred to as Salem Plaza and Dayton Center Tennis Courts. The zoning amendment would change the current zoning from B-P Business Park Zoning to B-PUD Business Planned Unit Development.

Mayor Davis requested a motion to approve Ordinance 23-09. Mr. Vaughn moved to approve Ordinance 23-09, and seconded by Vice-Mayor Cameron. Roll call resulted in 7 yes votes, and Ordinance 23-09 was approved unanimously.

ORDINANCE 24-09: AN ORDINANCE BY THE COUNCIL OF THE CITY OF TROTWOOD, OHIO, APPROVING A PRELIMINARY PLANNED UNIT DEVELOPMENT FOR THE SALEM PLAZA AND ADJOINING DAYTON INDOOR TENNIS CENTER LOCATED ON A 10.77 ACRE SITE WITHIN THE 4800 BLOCK OF THE NORTH SIDE OF SALEM AVENUE, EAST OF DENLINGER ROAD (PARCEL I.D. NOS. H33-01713-001, H33-01619-004 AND H33-01619-0003): The Clerk of Council read the caption. City Manager Michael J. Lucking asked Planning and Zoning Administrator to give a brief overview. Planning and Zoning Administrator Carl Daugherty said this legislation would approve a preliminary planned unit development for the site as described in Ordinance 23-09.

Mayor Davis requested a motion to approve Ordinance 24-09. Vice-Mayor Cameron moved to approve Ordinance 24-09, and seconded by Mrs. Staggs. Roll call resulted in 7 yes votes, and Ordinance 24-09 was approved unanimously.

Planning Commission Case #09-07 – Requesting approval of a Planned Unit Development (PUD) amendment to permit the establishment of Board of Education

Administrative Offices for the Trotwood Madison City Schools at 3594 N. Snyder Road. Motion to request the Law Director to draft legislation. The Clerk of Council read the caption. City Manager Michael J. Lucking introduced Planning and Zoning Administrator Carl Daugherty to outline the conditions of the amendment to the planned unit development. Planning and Zoning Administrator Carl Daugherty said PC Case #09-07 requests an amendment and adoption of a Planned Unit Development to allow for the establishment of administrative offices for the Trotwood-Madison Board of Education within an 84,825 square foot school facility located in a "PUD" zoning district on 30.73 acres at 3594 N. Snyder Road (Parcel I.D.#H33-00609-0012). The Applicant is Amanda Fort, SFA Architects, 120 W. 2<sup>nd</sup> Street, Dayton, OH for the Owner: Trotwood-Madison City Schools, 444 S. Broadway, Trotwood, OH. The Land Use request: Modify the existing PUD to allow for the adaptive reuse of the former T-M Middle School as the Board of Education Administrative Offices. Surrounding Zoning: North – PUD, South – RSF-L Residential Single-Family, East – PUD, and West – PUD. Surrounding Land Uses: North – Undeveloped acreage (open space, bikeway), South – Undeveloped acreage, East – Undeveloped acreage, and West – Undeveloped acreage. Proposed Reuse of the Facility: Central administrative offices would account for approximately 50,000 sq. ft. of the reutilized space. Board of Education public meetings will take place within the facility. Remaining educational function consisting of two alternative education programs which will serve 30 elementary students and 40 high school students. Approximately 5,100 sq. ft. would be for this purpose. Gymnasium will be modified to serve as the district's bus servicing facility. Fuel station to include above-ground diesel and gasoline supply tanks will be added to the north end of the site. Bus storage yard will also be added along the northwest portion of the site. Consolidates the district's administrative and transportation related functions into a single facility. Additional Site Improvements: 160 off-street parking spaces will remain. Bus storage yard for up to 35 school buses. Detention area designated along northeast portion of the site. Landscaping provisions. Widening of access lane from Snyder Road. Dedicated right and left turn egress lanes. Project Timeline: Phase 1 (Bus Transportation Operations) July, 2010. Phase II (Completed Relocation of Central/Administration Offices) November, 2010. Planning Commission Recommendation: Public Hearing held on October 27, 2009, the Planning Commission recommended approval of the PUD amendment under PC Case #09-07, subject to the conditions of approval outlined within the Staff report: 1. The proposed improvements relating to traffic circulation in the proximity of Snyder Road and the access entrance onto the site are reviewed and approved by the City Engineer. 2. The applicant submits grading, soil erosion control, and storm water management plans for review and approved by the City Engineer. 3. The applicant submits a life safety plan for review and approval by the City of Trotwood Fire Department. 4. The applicant provides solid screening of the transportation (bus storage) yard along the west side of the property. 5. The double-faced ground-mounted sign proposed to be located along Snyder Road at the entrance of the site be limited to 24 sq. ft. per face (total of 48 sq. ft.), and a height of 5 feet. The sign may be illuminated. 6. Upon approval of the PUD amendment by City Council, the applicant may apply for and obtain Specific Site Plan/Conditional Use Approvals from the Planning Commission under Sections 1140.08-1140.14. 7. Under Section 1175.08 (Landscaping for Off-Street Parking Areas), the applicant submits a landscape plan for replacement of plant material within existing designated off-street parking landscape strip areas located along the south and west portions of the site. This landscape plan should be submitted to the Zoning Administrator prior to the Planning Commission's Specific Site Plan and Conditional Use(s) reviews. 8. All conditions and standards put forth under the PUD Agreement. The Alternatives for Council are: 1. Move to make the specified findings under Section 1140.07 and recommend approval of the PUD amendment with the conditions noted or 2. Move to deny the PUD amendment for failure to make the specified findings under Section 1140.07. Staff Recommendation: Approve the PUD amendment request, as outlined under Alternative #1, with the conditions noted within the Staff report.

Mr. Vaughn asked if the structures will be removed at the former site. 35 buses traveling the roads will be difficult on the narrow roads. What is the transit route of the buses coming and going? Planning and Zoning Administrator Daugherty said traffic circulation improvements will be per the City Engineer requirements. Mr. Vaughn said widening of lanes on Snyder will be required. Mr. Vaughn said this request is premature until we have more answers. Trotwood Historical Society does not want to tear down the old high school because of its historical significance. Mr. Vaughn wants to set aside until a professional can review. Mr. Daugherty again reiterated that the City Engineer is required to make those decisions and is one of the conditions for approval.

Business Manager John Smith is in the audience. The current Board of Education Offices will be vacant when we move to the new site. The building and the bus barn will come down unless some reuse is determined. Mr. Smith said that has always been part of the plan. Mr. Vaughn asked if Business Manager Smith will put that in writing. Business Manager Smith said he recommends, but the T-M School Board will vote. 24 or 25 buses will operate daily. This is as in the past when the T-M Middle School was the transfer site. There will be no more traffic than a few years ago. Mr. Vaughn asked how many buses will be on Snyder Road daily. Mr. Smith said no more traffic than today. Many factors go into producing a bus route. Districts 3 and 1 will be the districts affected. Buses go where kids live. Will you present this to the School Board – structures to be removed? Mr. Smith said that is the plan. We have identified the dollars to remove the structures unless some reuse is determined.

Mr. Hankins said a commitment has been made by the School Board to tear down the site. Mr. Hankins asked in moving gas and diesel to the site, if there is a spill, will the soil be safe? Law Director Steve McHugh said BUSTR regulations will take priority or precedence.

Mayor Davis asked for a motion to draft legislation to approve the amendment of the PUD. Mrs. Staggs moved to approve the motion to draft legislation, and seconded by Mr. Hankins. Roll call resulted in 4 yes votes (Staggs, Hankins, Vice-Mayor Cameron, and Mayor Davis), 1 no vote (Mr. Vaughn), 1 abstention (McDonald) and 1 recusal (Gales). The Motion is approved.

Mayor Davis requested a motion to close the public hearing and return to the regular agenda. Mrs. Gales moved to close public hearing at 8:45 p.m., and return to the regular agenda, and seconded by Vice-Mayor Cameron. Roll call resulted in 7 yes votes, and the Motion was approved unanimously.

#### 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](mailto:lsingleton@trotwood.org) to schedule a meeting at any time that is convenient.
- 2) Mayor and Council Tree Lighting Ceremony – Thank you to everyone who came out for the event.

##### CITY MANAGER:

- 1) Reminder – website is updated - [www.trotwood.org](http://www.trotwood.org)
- 2) Update Stonehenge Group Public Meeting - Salem Mall Site Redevelopment Open House- the conceptual plan was laid out. Several developers were there and gave a brief overview of their plans. The City received very positive comments during the open house.

We will be moving forward with Phase II. We will be setting up a blog for those who want to make comments and have questions. That is upcoming. We were very pleased with the community turn out.

- 3) Reminder: Spirit of Christmas Holiday Lighting – Judging will take place on December 18<sup>th</sup>. The winners homes will be announced on December 21, 2009, but awards will be given to the winners at the January 4, 2010 Council Meeting.

COUNCIL MEMBERS COMMENTS:

Council Member Mary A. McDonald:

Thanksgiving Baskets: Thanks to the community for your help in making baskets available to those in need in our community. Mrs. Gales volunteered her time to help also. I received a card from the Allen Family to thank us. I would like to thank the VFW Post 4270 for their help in donations for the baskets. We will also be giving Christmas baskets, and the VFW Post 4270 has already made a commitment to help even with Commander Willis death.

Budget Workshop Dates: I have talked with Clerk of Council Singleton about being unavailable for budget workshops on December 9<sup>th</sup> and 14<sup>th</sup>. I am back in town and available December 15<sup>th</sup> and beyond. I would like to recommend budget workshops in January.

Council Member Rap Hankins:

Letter to the President from the National League of Cities Board of Directors:

Newly elected President Ronald Loveridge wrote to President Obama with Recommendations from the NLC Board of Directors on advancing our shared, long-term goals of economic prosperity for the nation, our communities, our families. We are urging that more be done. A copy of the letter will be given to each Council Member by Clerk of Council Singleton.

Vice-Mayor Joyce Cameron:

Budget Workshop Dates: I changed my schedule to make the dates that have been approved. I am not available the first week of January. Let's move forward.

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

STAFF:

VISITORS AND COMMUNICATIONS:

Eloise R. McCray- 4801 Pierpont Drive 45426- Ward 2: I have questions about Resolution 06-94 and the continued collection of the storm water fee. When will we get training regarding the Storm water Master Plan?

Homestead Exemption – will that exemption be ongoing? The Homestead Exemption is through Montgomery County. You must contact their offices.

City Manager Michael J. Lucking said the City will be updating the Storm Water Master Plan in January. Give your phone number to Acting Public Works Director Dalton Hines for any questions and we can talk about them.

James D. Williams – 4538 Freudenberger Avenue 45417 – Ward 4: Will the Salem Mall site Conceptual Plan be on display? The newspaper article of the plan was not very good. I would like to thank City Council and the City Manager for the Midwood Bridge Project. It is going very well. I would also like to thank the Public Works Department for the work they are doing on the drains off Guenther Road.

Harry Patton – 4632 Sylvan Oak Drive 45426 – Ward 1: I too have questions on Resolutions 06-68 and 06-94, Storm Water fees. I would like to have information on the documented process. Will the fees stop and if so, when. Is the documented process accessible to the public?

Mr. Hankins said the Storm Water Program and its fee is an unfunded mandate from the federal government. The City of Trotwood must meet the requirements of the program and the City will be charged accordingly by the EPA if we do not meet those requirements and their schedule.

Wanda Adams – 147 E. Sunrise Avenue 45426 - Ward 1: Wanda wants to share her Christmas message which she read. This is a diverse community and I am pleased to be living in this community. The City of Trotwood fulfills needs within the community. St. Vincent de Paul moving into the old Rex TV store front will serve a need. The Sisters of the Precious Blood are planning to serve a need. Let's embrace the people of Trotwood.

Janice Chinn – 5213 Weigold Ct. 45426 - Ward 2: 1. I compliment Mr. Lucking in having Montgomery County Auditor Karl Keith at the meeting tonight to give us this valuable and factual information. 2. Salem Mall Site Plan Meeting – as I understand it, this is a plan and not a study. City Manager Michael J. Lucking said professional design consultants are putting together a conceptual plan. Mo Dioun – will be an equity partner in the project. 3. Website – creating a blog section. We as citizens would like to have input. The meetings will be held here at the Trotwood Community Center. They will be open to the public for input. Mayor Davis asked that you come to the meetings.

John T. Fecke -7554 Little Richmond Road 45426 - WARD 3: The Salem Mall Meeting sounded like fishing to me. We have lots of green space, and do not need more.

MOTION TO ADJOURN:

Mayor Davis moved to adjourn the meeting at 9:15 p.m.

ATTEST:

APPROVED:

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Lois M. Singleton, Clerk of Council

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Darreyl D. Davis, Mayor