

City of Trotwood

3035 Olive Road
Trotwood, Ohio 45426
937-837-7771
www.trotwood.org



Meeting Minutes

Tuesday, July 5, 2016

6:30 PM

Regular Meeting

**T-M Schools Board of Education Meeting Chambers
3594 N. Snyder Road, Trotwood, Ohio**

City Council

*Mayor Mary A. McDonald
Vice Mayor Bettye L. Gales
Councilmember Rap Hankins
Councilmember Charles Ron Vaughn
Councilmember Rhonda C. Finley
Councilmember Robert L. Kelley, Jr.
Councilmember Scotty A. Sly, Sr.*

Sandra L. Riege Fuller CMC, Clerk of Council

I. Call to Order - Mayor Mary A. McDonald

Mayor McDonald called the meeting to order at 6:30 p.m.

II. Invocation by Pastor Norman J. Searce III**III. Pledge of Allegiance****IV. Roll Call: Clerk of Council**

Staff members present: Quincy Pope Sr. City Manager, Stephen M. McHugh Law Director, Stephanie Kellum Deputy City Manager/Human Resource Director, Erik Wilson Police Chief, John Porter Deputy Police Chief, Brenda Blauser Assistant to the City Manager, Fred Burkhardt CIC Executive Director, Jeannie Peyton Planning and Zoning Administrator, Eric Baxter Public Works Operations Manager, Donna Sue Bowman Income Tax Administrator, and Sandy Riege Fuller Clerk of Council.

Visitors in attendance: Mattie Clay, Lucille Cosby, Boyd & Jeri Hastings; Steve Champion, Sandra Johnson, Frances Malott, Beverly & Leon Murphy, Mary Hockett, Gladys Turner Finney, E. Brown Goulsby, Liz Cramer, Anita Schmaltz, Ron Cramer, Ellsworth Szkledlarek, Jesse & Cozy Smith, Margaret Ronds, Miranda Wilson, Michael Colbert, Eileen Jackson, Wanyne Noll, John Fecke, Janet Foote, David Puderbaugh David Young, Jim Davis, Duane Plessinger, Dale Lee

Present: 6 - Mayor Mary A. McDonald, Vice Mayor Bettye L. Gales, Councilmember Rap Hankins, Councilmember Rhonda C. Finley, Councilmember Robert L. Kelley Jr. and Councilmember Scotty A. Sly Sr.

Absent: 1 - Councilmember Charles Ron Vaughn

V. Motion to Approve the Regular Meeting Agenda

Mayor McDonald requested a motion to approve the meeting agenda. A motion was made by Mr. Hankins and seconded by Mr. Kelley. Roll call resulted in the following vote:

Aye: 6 - Mayor McDonald, Vice Mayor Gales, Councilmember Hankins, Councilmember Finley, Councilmember Kelley Jr. and Councilmember Sly Sr.

- VI. VISITORS AND COMMUNICATIONS:** To comment on any topic on the agenda, please fill out a Speaker Form and return it to the Clerk of Council BEFORE the start of the meeting. Proceed to the microphone, state your name and address, proceed with your comments. You will have three (3) minutes to speak. Citizen comments on the 'Public Hearing' portion of the meeting will be accepted at the appropriate time during the meeting.

1) Anita Schmaltz, 24 Pleasant Avenue - In mid May she inquired to her council representative about the practicing of religious groups doing the invocations at the city council meetings. She would like to know what the best practices are with the city of Trotwood. The city informed her they are reviewing the policy under advisement with our Law Department. 2) Michael & Margutla Colbert, 2500 Shiloh Springs Rd, Colbert Family Health and Wellness and Bernard Holdings Real Estate. They rehabilitated and own a building with five occupants averaging a half million dollars in payroll. Their request before council tonight is to approve the name change of the current 'Service Road A' to 'Colbert Road' for consumers to easily locate their occupants. 3) Ron & Liz Cramer, 8218 Westbrook Road would like to comment on the speed change from 50 to 40 mph, they like the 50 mph, more speed enforcement is required. 4) Frances Maloti, 5377 Westbrook Road wants to see a flashing yellow light at this intersection of Hoke Road & Westbrook Road to warn speeders. She agrees with the Cramers, changing the speed limit will not stop the speeders. 5) Jim Davis, co-owner of property located at corner of Moss Creek at Westbrook Road & Hoke Road, also wants to see a traffic light. Doesn't feel reducing the speed limit will help. 6) Eileen Jackson, 4801 Salem Avenue co-owner of Dayton Center Tennis Courts, purchased their business in the year 2000. They have invested a half million dollars of improvements within the last year by installing astro turf for soccer teams, new volleyball flooring, hired a soccer director, and now have the Trotwood High School tennis team utilizing their facility for practices. In order for them to recruit more adults over the age of 18, they would like to sell beer on Monday through Friday; closing hours between 11:00 and midnight and have no intentions of becoming a bar.

VII. Motion to Approve the Consent Agenda

Mayor McDonald requested a motion to approve the agenda. A motion was made by Vice Mayor Gales and seconded by Mr. Kelley. Roll call resulted in the following vote:

Aye: 6 - Mayor McDonald, Vice Mayor Gales, Councilmember Hankins, Councilmember Finley, Councilmember Kelley Jr. and Councilmember Sly Sr.

- A. [16-46](#)** Approval of the Monday, April 18, 2016 Workshop Meeting

Attachments: [MEETING MINUTES WORKSHOP APRIL 18, 2016](#)

- B. [16-47](#)** Approval of the Monday, May 16, 2016 Workshop Meeting Minutes

Attachments: [Meeting Minutes May 16, 2016](#)

- C. [16-48](#) Approval of the Monday, June 20, 2016 Workshop Meeting

Attachments: [Meeting Minutes June 20, 2016 Regular Mtg.](#)

- D. [16-49](#) Approval of the Monday, June 6, 2016 Regular Meeting Minutes

Attachments: [Meeting Minutes June 6, 2016 Regular Meeting](#)

VIII. Public Hearings/Ordinances - Motion to Open Public Hearing

Mayor McDonald requested a motion to open the public portion of this meeting. A motion was made by Mr. Sly, Sr. and seconded by Mr. Hankins. Roll call resulted in the following vote:

Aye: 6 - Mayor McDonald, Vice Mayor Gales, Councilmember Hankins, Councilmember Finley, Councilmember Kelley Jr. and Councilmember Sly Sr.

- A. [OR14-16](#) AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE AMENDMENTS OF THE CHARTER OF THE CITY OF TROTWOOD, OHIO AND TO PLACE THE SAME ON THE BALLOT AT THE GENERAL ELECTION, NOVEMBER 8, 2016.

Attachments: [OR 14-16 Ordinance re Charter Amendment \(00819783-4@xA06A8\)](#)
[OR14-16 REVISED DOCUMENT CITY CHARTER 2016](#)

The Clerk read the caption. City Manager introduced the Law Director. The changes will require a 2/3 vote by city council to be placed on the election ballot in November 2016. Only one change is suggested on page 4 'Preamble'. His recommendation is to revise the statement to read 'all city council positions are non-partisan' at the request of the Charter Commission and his advisement. No further discussion. Mayor McDonald requested a motion for OR14-16. A motion to approve OR14-16 as amended was made by Mr. Kelley, Jr. and seconded by Mr. Sly, Sr. Roll call resulted in the following vote:

Aye: 6 - Mayor McDonald, Vice Mayor Gales, Councilmember Hankins, Councilmember Finley, Councilmember Kelley Jr. and Councilmember Sly Sr.

B. [OR15-16](#)

AN ORDINANCE BY THE TROTWOOD CITY COUNCIL FOR THE AUTHORIZATION TO REDUCE THE SPEED LIMIT FROM 50 TO 40 mph ON ROADWAY FOR WESTBROOK ROAD BETWEEN STATE ROUTE 48 AND DIAMOND MILL ROAD, IN THE CITY OF TROTWOOD, OHIO.

Attachments: [OR 15-16 Ordinance Reducing Speed Limit from 50 mph to 40 mph on Westbrook Road \(00825715@xA06A8\) \(003\)](#)
[OR15-16 300' NOTIFICATIONS SPEED REDUCTION WESTBROOK ROAD](#)

The Clerk read the caption. City Manager Pope explained traffic safety has been a problem on this rural road in reference to high speeds and traffic accidents. The north side of the roadway is in Clayton and south side in Trotwood. Extensive traffic studies determined more traffic enforcement is needed. Deputy Chief Porter said this proposal is to change the speed limit on this rural county road. Prior to 1966 the speed limit was 55 mph, then reduced to 50 and 40 in some sections. This change would make the speed limit uniform in Trotwood and Clayton along the whole roadway that's cost effective for all. Over the years, about 200-300 hundred new housing developments have been added. According to the speed study eighty-five percent of the drivers travel at 55 mph (50 is limit). More traffic has been added with no known improvements to the roadway terrain which has caused traffic accidents over the years. Councilman Kelley asked, how effective installing a new traffic light and enforcement help? Deputy Porter explained the enforcement will be enough for various reasons. City Manager Pope said eventually long term improvements will have to be made on the this roadway, but it will the cost millions of dollars to the cities of Trotwood and Clayton. Councilwoman Finley would like hear other alternatives from citizens and from the city of Clayton before we change the speed. Deputy Porter said speed is an issue and needs to be effectively enforced with the 40 mph limit and not at the current 55 mph. Mayor McDonald requested a motion for OR16-16. A motion was made by Vice Mayor Gales to approve and seconded by Mr. Hankins. Roll Call resulted in the following vote:

Aye: 4 - Mayor McDonald, Vice Mayor Gales, Councilmember Hankins and Councilmember Sly Sr.

Nay: 2 - Councilmember Finley and Councilmember Kelley Jr.

C. [OR16-16](#)

AN ORDINANCE BY THE TROTWOOD CITY COUNCIL FOR THE AUTHORIZATION TO RENAME SERVICE ROAD "A" TO COLBERT ROAD WHICH CONNECTS WITH SHILOH SPRINGS ROAD, EAST OF THE INTERSECTION OF STATE ROUTE 49 AND SHILOH SPRINGS ROAD IN THE CITY OF TROTWOOD, OHIO.

Attachments: [OR16-16 RENAME SERVICE ROAD TO COLBERT ROAD](#)
 [OR16-16 300' COLBERT SERVICE ROAD](#)
 [COLBERT ROAD MAP](#)

The Clerk read the caption. City Manager Pope said this change will be very beneficial to the community especially when customers use GPS technology. Mrs. Finley would like council to consider changing the street name for 'Service Road B' in the near future. No plans to make this change as yet according to the City Manager. Mayor McDonald requested a motion for OR16-16. A motion was made by Mr. Sly, Sr. to approve and seconded by Vice Mayor Gales. Roll call resulted in the following vote:

Aye: 6 - Mayor McDonald, Vice Mayor Gales, Councilmember Hankins, Councilmember Finley, Councilmember Kelley Jr. and Councilmember Sly Sr.

IX. Motion to Close Public Hearing

Mayor McDonald requested a motion to close the public hearing. A motion was made by Mr. Hankins and seconded by Mr. Sly. Roll Call resulted in the following vote:

Aye: 6 - Mayor McDonald, Vice Mayor Gales, Councilmember Hankins, Councilmember Finley, Councilmember Kelley Jr. and Councilmember Sly Sr.

X. Resolutions**A. [R16-61](#)**

A RESOLUTION BY THE TROTWOOD CITY COUNCIL TO CANCEL THE CITY COUNCIL REGULAR MEETING ON MONDAY, AUGUST 1ST AND WORKSHOP MEETING ON MONDAY, AUGUST 15, 2016, ACCORDING TO CITY CHARTER SECTION 3-8 MEETINGS, AND RESUME THE REGULAR CITY COUNCIL MEETING SCHEDULE ON TUESDAY, SEPTEMBER 6, 2016.

Attachments: [Res R16-61 City Council Meeting Cancellation for August of 2016 \(00826069@xA06A8\) \(002\)](#)

The Clerk read the caption. City Manager said at the request of the State Auditors office, this legislation is a requirement for Trotwood City Council to take a recess for the month of August 2016 according to the Trotwood City Charter. Mayor McDonald requested a motion for R16-61. A motion was made to approve by Mr. Hankins and seconded by Mr. Sly. Roll Call resulted in the following vote:

Aye: 6 - Mayor McDonald, Vice Mayor Gales, Councilmember Hankins, Councilmember Finley, Councilmember Kelley Jr. and Councilmember Sly Sr.

B. [R16-63](#)

A RESOLUTION FOR FINAL LEGISLATION AND CONTRACT FOR THE CITY OF TROTWOOD PARTICIPATION IN THE URBAN PAVING PROGRAM PID NO. 93203

Attachments: [RES16-63 Urban Paving Program PID No. 93203 \(00826038@xA06A8\)](#)
[R16-63 ATTACHMENTS PID No. 93203 SR49](#)

The Clerk read the caption. City Manager Pope said this will allow the city to participate in the Urban Paving Program with the State of Ohio. Crack Sealing with partial repairs will be performed at the approaches to the signaled intersections as needed on SR49 from CSX Railroad to Salem Avenue and Wolf Creek & SR49. City cost is 20% or \$17,000.00 for this contract with ODOT. No further discussion. Mayor McDonald requested a motion for R16-63. A motion to approve was made by Mr. Sly, Sr. and seconded by Mr. Hankins. Roll call resulted in the following vote:

Aye: 6 - Mayor McDonald, Vice Mayor Gales, Councilmember Hankins, Councilmember Finley, Councilmember Kelley Jr. and Councilmember Sly Sr.

XI. Old & New Business

- a. Mayor:** To schedule an appointment with the Mayor, contact Sandy Riege Fuller, Clerk of Council at 937/854-7212 between the hours of 8 am - 5 p.m.

Mayor McDonald attended a Mayor's conference regarding various issues that will come before this council at a later date.

- b. City Manager:** Reminder to visit the City of Trotwood web site at www.trotwood.org for updated information and events in our city. Go to "Notify Me" icon to sign up to receive information by utilizing your email address or mobile phone.

The City Manager's office has an open door policy for citizens to stop by or call anytime to discuss any topic on their minds about the city of Trotwood.

c. Council Members

1) Councilman Sly, Sr. thanked everyone for coming to our meeting tonight and has four complimentary free lunch certificates from KFC placed under the audience chairs. 2) Councilman Kelley, Jr. thanked the Public Works and Code Enforcement department for assisting the people in his neighborhood for helping them with their property concerns. 3) Vice Mayor Gales attended the Trotwood Madison City School Board meeting last month. Schools have purchased two new buses and served 25,000 meals. On June 20 she attended a Freedom School summer 'Read Aloud' program in Dayton. She was impressed with the program and would like to see the Trotwood City Schools implement this program. 4) Councilwoman Finley would like to have further conversation with council to review prayer at our meetings. More ribbon cutting events are coming up everyone is welcome to attend to celebrate our new businesses. 5) Councilman Hankins said citizens have the right to voice their opinions in our community and maybe the three minute time frame is not enough. The topic of separation of church and state needs to be discussed further with this council. Mayor McDonald indicated we will do so at a later date. He was alerted by the Ohio Municipal League that the State of Ohio is looking at a collection of our taxes. We need to fight this issue.

d. Staff Reports**A. [16-51](#)**

Application for Transfer of Liquor License #8717473 for 2898 Olive Road, from Keowee Fuel Services to Surbhi Enterprises LLC, DBA OM Oil Trotwood, 2898 Olive Road, Trotwood, Ohio 45426. Motion is requested to accept without comment.

Attachments: [Permit transfer 2016-06-06 Notice to Legislative Authority.pdf](#)

[Staff Repprt 16-51 History](#)

[Permit Definitions.pdf](#)

[Trotwood Permit Quota 6-29-16.pdf](#)

Deputy Chief Porter said, 2898 Olive Road is the former Swifty gas station. They are now asking for a transfer of their liquor permit, from Keowee Fuel Services to Surbhi Enterprises LLC, for them to continue to sell beer and wine at their convenience store. Mayor McDonald requested a motion to approve the transfer of this liquor permit be made without comment. A motion was made by Mr. Sly to approve and seconded by Mr. Hankins. Roll call resulted in the following vote:

Aye: 6 - Mayor McDonald, Vice Mayor Gales, Councilmember Hankins, Councilmember Finley, Councilmember Kelley Jr. and Councilmember Sly Sr.

B. [16-52](#)

Application for NEW Liquor License # 1986805 for 4801 Salem Avenue, KALM Inc., DBA Dayton Center Courts 4801 Salem Avenue, Trotwood, Ohio 45426. Motion is requested to accept without comment.

Attachments: [Notice of Legislative Authority.PDF](#)

Kalm Liquor permit

[Trotwood Permit Quota 6-29-16.pdf](#)

[D-1 Permit ORC.pdf](#)

Deputy Chief Porter said this is a new application for a liquor permit D-1 License for the Dayton Center Courts located at 4801 Salem Avenue near Denlinger Road. Mayor McDonald requested a motion to approve this new liquor permit be made without comment. A motion was made by Mr. Hankins to approve and seconded by Mr. Sly. Roll call resulted in the following vote:

Aye: 6 - Mayor McDonald, Vice Mayor Gales, Councilmember Hankins, Councilmember Finley, Councilmember Kelley Jr. and Councilmember Sly Sr.

XII. Motion to Adjourn

Mayor McDonald requested a motion to adjourn the meeting. A motion was made by Mr. Hankins and seconded by Mr. Sly to adjourn the meeting at 7:44 p.m.

Aye: 6 - Mayor McDonald, Vice Mayor Gales, Councilmember Hankins, Councilmember Finley, Councilmember Kelley Jr. and Councilmember Sly Sr.