City of Trotwood 3035 Olive Road Trotwood, Ohio 45426 937.837.7771 www.trotwood.org TROT **Meeting Minutes** Tuesday, September 4, 2018 6:30 PM **Trotwood Community & Cultural Arts Center** 4000 Lake Center Drive, Trotwood, Ohio 45426 **City Council** Mayor Mary A. McDonald Vice Mayor Bettye L. Gales Council Member Charles Ron Vaughn Council Member Rhonda C. Finley Council Member Robert L. Kelley, Jr. Council Member Tyna R. Brown Council Member Yvette Page Sandy Riege Fuller, Deputy Clerk of Council

I. Pledge of Allegiance

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

- II. Invocation: Reverend Herman Branham
- III. Presentation of Colors Trotwood Boy Scout Troop 44, T.J. Wilz Troop Leader

IV. Roll Call: Clerk of Council

Present: 7 - Mayor Mary A. McDonald, Vice Mayor Bettye L. Gales, Councilmember Charles Ron Vaughn, Councilmember Rhonda C. Finley, Councilmember Robert L. Kelley Jr., Councilmember Tyna R. Brown and Councilmember Yvette Page

Staff - City Manager Quincy E. Pope, Deputy City Manager Kellum, Fire Chief Haacke, Deputy Fire Chief Barnett, Police Chief Wilson, Finance Director Chris Peeples, Assistant Law Director Amy Blankenship, CIC Executive Director Fred Burkhardt, CIC Advisor Chad Downing, Sandy Riege Fuller, Deputy Clerk of Council. Visitors: Mattie Clay, Steven Champion, Marie Battle, John Fecke, Kathy Walker, Barbara Higgins, Sharon Williams, Tiffani Black, Tonya Ross, Mark Quinn, Duane Phessinger, Boyd Haskins, Judith Clark, Gracie Daniels, James Williams, Susan Phelan, Scotty Sly, Broadmoor Neighborhood Group, Pastor Herman Brannam, Denise Moore,

- V. Special Presentations and Recognitions
- A. <u>PR26-18</u> 2018 Community Improvement Corporation (CIC) Service Awards

Mayor McDonald recognized three citizens: Fred Conway, William Jarvis and Jay Young as devoted volunteers to thank them for their leadership and years of service to the CIC Community Improvement Corporation.

VI. Motion to Approve the Agenda

Mayor McDonald asked for a motion. A motion was made by Vice Mayor Gales, second by Ms. Brown. Roll Call:

Aye: 7 - Mayor McDonald, Vice Mayor Gales, Councilmember Vaughn, Councilmember Finley, Councilmember Kelley Jr., Councilmember Brown and Councilmember Page

VII. Motion to Approve the Consent Agenda

Mayor McDonald asked for a motion. A motion was made by Vice Mayor Gales and seconded by Ms. Brown. Roll Call:

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		Aye: 7 - Mayor McDonald, Vice Mayor Gales, Councilmember Vaughn, Councilmember Finley, Councilmember Kelley Jr., Councilmember Brown and Councilmember Page		
Α.	<u>18-47</u>	A motion for the Law Director to draft an Emergency Ordinance to for Small Cell Antenna Facilities & Wireless Support Structures		
В.	<u>18-42</u>	A motion to schedule a public hearing and request the Law Director to draft legislation to amend the official zoning text, repealing chapter 1123.02 Definitions and enacting new chapter 1123.02 Definitions, to define Mobile and Food Truck Vendors.		
C.	<u>18-43</u>	A motion to schedule a public hearing and request the Law Director to draft legislation to amend the official zoning text, repealing chapter 1189 Supplemental Regulations and enacting new chapter 1189.20 (Supplemental Regulations) Mobile Vendors, to regulate Mobile and Food Truck Vendors.		
D.	<u>18-44</u>	A motion to schedule a public hearing and request the Law Director to draft legislation to amend the official zoning text, repealing Appendix B Schedule of Permitted and Conditional Uses by District and enacting new Appendix B Schedule of Permitted and Conditional Uses by District, to regulate Mobile and Food Truck Vendors.		
E.	<u>18-45</u>	A motion for the law director to draft an ordinance for the annual 2018 appropriations for the City of Trotwood, Ohio and authorizing adjustment of various expenditures of the City of Trotwood, State of Ohio, for the fiscal year beginning January 1, 2018 through December 31, 2018.		
F.	<u>18-46</u>	A motion to schedule a public hearing and request the Law Director to recommend amendments to the Trotwood Codified Ordinances, Title Five, Chapter 951 - Parks & Recreation - Trotwood Community Center & Park Pavilion		
VIII.	Public Hearings/Ordinances			

IX. Motion to Open the Public Hearing

Mayor McDonald requested a motion. A motion was made by Mr. Vaughn, second by Ms. Finley, Roll Call:

Aye: 7 - Mayor McDonald, Vice Mayor Gales, Councilmember Vaughn, Councilmember Finley, Councilmember Kelley Jr., Councilmember Brown and Councilmember Page X. VISITORS AND COMMUNICATIONS: To comment on any topic NOT 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.

Tiffani Black,7707 Tanager - Would like to speak to someone in the police department about an vehicle incident - the city manager will contact her. James Odell 5621 W. 3rd Street - roads are in need of repair and the abundance of trash needs to be addressed. Steven Champion, 11 Hillgard -Rumpke Company did not pick up his trash on his street and it happens a lot. He called their customer service department to report and they are not friendly - could someone from the city intervene. Judith Clark, 195 Drexel Avenue stated in the Drexel neighborhood vehicles are speeding. Something needs to be done before someone gets hurt. Also, code enforcement needs to send citations for those that cannot maintain their properties.

A. OR08-18 AN ORDINANCE BY TROTWOOD CITY COUNCIL APPROVING A SPECIFIC SITE PLAN FOR THE PROPERTY LOCATED AT 5331 SALEM AVENUE PARCEL ID H33-00805-0005.

<u>Attachments:</u>	OR08-18_PC 18-03_5331 Salem_Ordinance Final (002)
	PC 18-03 5331 Salem_SPECIFIC SITE PLAN DRAFT_Final for
	Council 09042018
	OR 08-18 PC 18-03 5331 Salem Staff Report Packet Final for
	<u>Council 09042018 (002)</u>

City Manager Pope state on May 22 the Planning Commission held a public hearing and voted to recommened approval of this site plan at the former Wal Mart site on Salem Avenue. This case was tabled at teh July 2018 council meeting to allow for U-Haul to operate as a storage and truck rental facility. Mr. Mark Quinn representative for U-Haul stated the company would like to have 55 trucks and 25 trailers in desginated parking areas on the site storage units within the building, tight security and landscaping. Market studies show that storage facilities while seem to be abundant in our area are needed. Ms. Page stated some of the storage units in our area are not up to capacity why do we need another one. Mayor McDonald requested a motion. A motion was made by Vice Mayor Gales to approve, seconded by Ms. Finley. Roll Call:

- Aye: 6 Mayor McDonald, Vice Mayor Gales, Councilmember Vaughn, Councilmember Finley, Councilmember Kelley Jr. and Councilmember Brown
- Nay: 1 Councilmember Page

- B. OR17-18 AN ORDINANCE BY THE TROTWOOD CITY COUNCIL REPEALING OLD SECTION 1123.02 "DEFINITIONS" AND ENACTING NEW SECTION 1123.02 "DEFINITIONS" TO UPDATE DEFINITIONS REGARDING FARM ANIMALS.
 - Attachments:
 OR 17-18_Ord amending 1123.02

 OR 17-18 Exhibit A Ch 1123 Strikethrough Farm Animals

 Farm Animals

 Staff Report

 Final for Council 09042018

Mr. Ron Vaughn recuse himself from voting due to his family residential home within this zoning district. Planning & Zoning Manager Peyton stated legislation is only for the definitions to be added to a new section of the zoning code to allow some degree of farm animals both large and small within residential zoning districts. Mayor McDonald sworn in Councilman Vaughn for this public hearing who represented himself as a resident and other neighbors who have lived in the zoning district for years. He would like council to consider a change in the language for property owners that have 3 acres or more to keep small and large animals. Law Director explained OR17-18 does not need to be revised as drafted since this ordinance only is repealing the definitions in chapter 1123.02. Mr. Vaughn's concerns will be addressed on the next ordinance OR13-18. No further discussion. Mayor McDonald requested a motion. A motion was made by Vice Mayor Gales, second by Ms. Brown. Roll Call:

- Aye: 5 Mayor McDonald, Vice Mayor Gales, Councilmember Finley, Councilmember Kelley Jr. and Councilmember Brown
- **Nay:** 1 Councilmember Page

Recused: 1 - Councilmember Vaughn

- C. OR13-18 AN ORDINANCE BY TROTWOOD CITY COUNCIL REPEALING OLD SECTION 1189 "SUPPLEMENTAL REGULATIONS" AND ENACTING NEW SECTION 1189 "SUPPLEMENTAL REGULATIONS" ADDRESSING AGRICULTURAL USES IN RESIDENTAL DISTRICTS (Farm Animals)
 - Attachments:
 OR13-18
 Ord amending 1189
 SUPPLEMENTAL REGULATIONS

 AGRICULTURAL USES IN RESIDENTIAL DISTRICTS
 OR13-18
 SUPPLEMENTAL AGR. USES Ch 1189

 StrikethrougH
 JULY 16,2018
 OR13-18
 Notice of Public Hearing Wireless Structures 10-1-2018

Ms. Peyton explained this legislation covers 1189.19 supplemental new language that addresses agriculture uses in residential zoning districts. Large animals can be permitted on 5 acres or more; small animals permitted on 3 acres or more. Agriculture uses item (a) through (13) will be a new section. This will allow some farm animals to be allowed in some residential areas for people who meet the criteria without impeading other property owners. Law Director explained this is a recommedation for a modification on item 1189.19 (a) for residential lots of 5 acres to be 3 acres or more for large animals, item (d) (1) states 1 large animal for every 2 acres to be left as is. Ms. Page would like to modify and table this legislation so council can futher review the recommendations and was seconded by Vice Mayor Gales. Roll Call:

- Aye: 6 Mayor McDonald, Vice Mayor Gales, Councilmember Finley, Councilmember Kelley Jr., Councilmember Brown and Councilmember Page
- Recused: 1 Councilmember Vaughn
- D. OR18-18 AN ORDINANCE BY THE TROTWOOD CITY COUNCIL REPEALING OLD APPENDIX B "SCHEDULE OF PERMITTED AND CONDITIONAL USES BY DISTRICT" AND ENACTING NEW APPENDIX B "SCHEDULE OF PERMITTED AND CONDITIONAL USES BY DISTRICT" TO REGULATE FARM ANIMALS IN RESIDENTIAL DISTRICTS.
 - Attachments:
 OR 18-18 Ord amending Appendix B

 OR 18-18 Exhibit A_Appendix B Strikethrough_Farm Animals

 Farm Animals
 Staff Report Final for Council 09042018

 OR18-18
 Notice of Public Hearing Farm Animals_conditional use zoning_10-1-2018

Mayor McDonald requested a motion to table this discussion for the modifications to this ordinance A motion As was made by Ms. Kelley and second Ms. Brown to table OR18-18. Roll Call:

- Aye: 6 Mayor McDonald, Vice Mayor Gales, Councilmember Finley, Councilmember Kelley Jr., Councilmember Brown and Councilmember Page
- **Recused:** 1 Councilmember Vaughn

XI. Motion to Close the Public Hearing

Mayor McDonald requested a motion to close the public hearing. A motion was made by Mr. Kelley and second by Ms. Finley. Roll Call:

Aye: 7 - Mayor McDonald, Vice Mayor Gales, Councilmember Vaughn, Councilmember Finley, Councilmember Kelley Jr., Councilmember Brown and Councilmember Page

XII. Resolutions

A. R18-50 A RESOLUTION AUTHORIZING THE CITY MANAGER TO DECLARE CERTAIN OBSOLUTE AND/OR SURPLUS FIRE & RESCUE DEPARTMENT EQUIPMENT AS NO LONGER NEEDED FOR A PUBLIC PURPOSE AND AUTHORIZING SAID PROPERTY FROM THE TROTWOOD FIRE & RESCUE DEPARTMENT TO BE DONATED TO THE MIAMI VALLEY CAREER TECHNOLOGY CENTER FIREFIGHTER TRAINING PROGRAM

> Attachments: R18-50_CAIRNS REAXTION GEAR DONATION _ MVCTC_FINAL RESOLUTION R18-50 & R18-51_STAFF REPORT

R18-50 CAIRNS REAXTION GEAR DONATION _ MVCTC.pdf

Fire Chief Haacke said this fire gear will be donated to the Miami Valley Career Tech Center for training purposes only. All fire gear has a10 year lifespan then the material tends to break down. Mayor McDonald requested a motion. A motion was made by Vice Mayor Gales and second by Ms. Finley to approve. Roll Call:

- Aye: 7 Mayor McDonald, Vice Mayor Gales, Councilmember Vaughn, Councilmember Finley, Councilmember Kelley Jr., Councilmember Brown and Councilmember Page
- B. R18-51 A RESOLUTION AUTHORIZING THE CITY MANAGER TO DECLARE CERTAIN OBSOLUTE AND/OR SURPLUS FIRE & RESCUE DEPARTMENT EQUIPMENT AS NO LONGER NEEDED FOR A PUBLIC PURPOSE AND AUTHORIZING SAID PROPERTY FROM THE TROTWOOD FIRE & RESCUE DEPARTMENT TO BE DONATED TO THE BROTHERS HELPING BROTHERS 501C CHARITY

 Attachments:
 R18-51 CAIRNS REAXTION GEAR DONATION_BROTHERS TO

 BROTHERS_FINAL
 R18-51 CAIRNS REAXTION GEAR DONATION_BROTHERS TO

 BROTHERS_LIST
 R18-50 & R18-51 STAFF REPORT

Fire Chief Haacke said this fire gear is obsolute and will be removed from inventory and donated to the Brothers Helping Brothers 501C charity. Mayor McDonald requested a motion. A motion was made by Mr. Vaughn to approve, second by Ms. Brown. Roll Call:

Aye: 7 - Mayor McDonald, Vice Mayor Gales, Councilmember Vaughn, Councilmember Finley, Councilmember Kelley Jr., Councilmember Brown and Councilmember Page

C. <u>R18-52</u> A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT THROUGH THE FY2017 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM FROM THE DEPARTMENT OF HOMELAND SECURITY FOR THE PURPOSE OF PURCHASING CARDIAC MONITORS, AUTOMATED EXTERNAL DEFIBRILLATORS, AND SELF-CONTAINED BREATHING APPARATUS

Attachments:	<u>R18-52 Re</u>		accepting grant funds (00966915xA06A8)	
	R18-52	Res	FEMAaccepting grant funds	

Fire Chief Haacke announced the Trotwood Fire & Rescue department has been chosen to receive an award through the Firefighters Grant Program. This grant will replace all of the departments cardiac monitors, automated external defibrillators (AED's), Self-contained breathing apparatus (SCBA'S) totaling \$372,000. The city will be responsible for 10% or a total of \$37,200.00 award accordinbg to teh Homeland Security grant rules. Mayor McDonald asked for a motion. A motion was made by Ms. Page to approve and second by Ms. Brown. Roll call:

Aye: 7 - Mayor McDonald, Vice Mayor Gales, Councilmember Vaughn, Councilmember Finley, Councilmember Kelley Jr., Councilmember Brown and Councilmember Page

D. <u>R18-53</u> A RESOLUTION AUTHORIZING THE ASSESSMENT OF DELINQUENT CHARGES FOR CUTTING AND REMOVAL OF WEEDS, VEGETATION, AND/OR GRASS TO BE PLACED ON THE MONTGOMERY COUNTY PROPERTY TAX DUPLICATE

Attachments: R18-53 2018 MOWING ASSESMENTS RESOLUTION

R18-53_, MOWING_LIST_ 2018

Mr. Chris Peeples, Finance Director said a property owner fails to maintain their lot of grass, weeds, vegetation a notice of violation will be issued according to Codified Ordinances Section 905.03 which will be us the authority to have our public works department to do so. That being said, the costs incurred shall be paid out of the municipal funds not otherwise appropriated upon approval by Council. The removal shall be at the owner's expense and shall be assessed against the property at a cost according to code 98.304 and may be adjusted annually by the Director of Public Service. This list is for delinquent amounts due for water, sewer, trash, storm water for unpaid balances between August 21, 2017 through August 21, 2018 for a combined total including administrative fees of \$568,582.88 to be sent to the Councy Auditor for the tax duplicate. No further discussion. Mayor McDonald asked for a motion. A motion was made by Vice Mayor Gales to approve and second by Ms. Finley. Roll Call: Aye: 7 - Mayor McDonald, Vice Mayor Gales, Councilmember Vaughn, Councilmember Finley, Councilmember Kelley Jr., Councilmember Brown and Councilmember Page

E. <u>R18-54</u> A RESOLUTION BY TROTWOOD CITY COUNCIL TO CERTIFY DELINQUENT WATER, SEWER, TRASH AND STORM DRAINAGE BILLS TO THE AUDITOR OF MONTGOMERY COUNTY, STATE OF OHIO, FOR PLACEMENT ON THE MONTGOMERY COUNTY TAX DUPLICATE

> <u>Attachments:</u> R18-54 Resolution Water, Sewer, Trash Storm Sewer Delinquencies Sept 4, 2018 UTILITY ASSESSMENT CERTIFICATION 2018.pdf

Mr. Peeples said this legislation is for the collection procedures on delinquent bills that are not paid within the twenty-five days after the date of billing. A final notice shall be sent to the property owner and is not paid within the ten day period shall have their water service discontinued until the entire account balance is remitted in full to the city. If the charges are not paid within section 921.20, 923.161341.18, 929.29 the city shall certify those charges to the County Auditor for collection on their tax duplicate and shall be a lien on such property to be collected with other taxes to be returned to the city. This list is for delinquent amounts due to water, sewer, trash, storm water for unpaid balances between August 21, 2017 through August 21, 2018 for a combined total of \$552,174.79. No further discussion. Mayor McDonald asked for a motion. A motion was made by Ms. Brown to approve and second by Ms. Finley. Roll Call:

- Aye: 7 Mayor McDonald, Vice Mayor Gales, Councilmember Vaughn, Councilmember Finley, Councilmember Kelley Jr., Councilmember Brown and Councilmember Page
- F. <u>R18-55</u> A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE AWARD OF CASH PRIZES TO THE WINNERS OF THE TROTWOOD SMOKE, SIZZLE & SOUNDS BBQ CONTEST TO SERVE THE PUBLIC PURPOSE OF RECREATIONAL ACTIVITIES AND COMMUNITY RELATIONS.

Attachments: R18-55 RES_BBQ_SMOKE, SIZZLE, SOUND

This annual public city event will take place on Saturday, September 29 and the contest winners will be judged on specific catagories awarding cash prizes for recognition. Mayor McDonald requested a motion. A motion was made by Ms. Brown to approve and second by Ms. Finley. Roll Call:

G.	<u>R18-56</u>	A RESOLUTION AUTHORIZING THE CITY MANAGER TO TERMINATE THE MEMORANDUM OF UNDERSTANDING WITH THE TROTWOOD-MADISON SCHOOL DISTRICT FOR JOINT USE OF THEIR BOARD OF EDUCATION MEETING FACILITY FOR SPECIFIED CITY MEETINGS.			
		Attachments: R18-56 Res terminating agmt with schools for meeting space (00966920xA06A8)			
		City Manager stated since 2012 the city has used their facility for our meetings. Now with the opening of the TCCAC we will start using the our renovated building effective September 2018. Thank you everyone to make this project a reality. Mayor requested a motion. A motion was made by Mr. Kelley, second by Vice-Mayor Gales. Roll Call:			
		 Aye: 7 - Mayor McDonald, Vice Mayor Gales, Councilmember Vaughn, Councilmember Finley, Councilmember Kelley Jr., Councilmember Brown and Councilmember Page 			
H.	<u>R18-57</u>	A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH RED FLEX TRAFFICE SYSTEMS.			
		Attachments: R18-57 Res. RedFlex resolution (00966923xA06A8)			
		City Manager said this is a new five year contract with Red Flex for the Police Department photo enforcement program. Mayor McDonald requested a motion. A motion was made by Vice Mayor Gales to approve, second by Mr. Vaughn. Roll Call:			
		Aye: 7 - Mayor McDonald, Vice Mayor Gales, Councilmember Vaughn, Councilmember Finley, Councilmember Kelley Jr., Councilmember Brown and Councilmember Page			
I.	<u>R18-58</u>	A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE CITY THE TROTWOOD COMMUNITY			
		IMPROVEMENTCORPORAITON TO CONTINUE ITS FINANCIAL RELATIONSHIP WITH COUNTY CORP TO UTILIZE A REVOLVING LOAN FUND.			
		Attachments: R18-58_Res from CIC revolving loan fund (00967158xA06A8)			
		City Manager said the CIC has a finalcial relationship with County Corp consisting of \$160,000 revolving loan and used to stablize properties the agency acquires and repaid from the sale of each property at the Montogmery County auditors office. No further discussion. Mayor McDonald requested a motion. A motion was made by Ms. Brown to approve, second by Ms. Finley. Roll Call:			
		Aye: 7 - Mayor McDonald, Vice Mayor Gales, Councilmember Vaughn, Councilmember Finley, Councilmember Kelley Jr., Councilmember Brown			

City of Trotwood

and Councilmember Page

XIII. Old & New Business

a. Mayor: To schedule an appointment with the Mayor, contact Sandy Riege Fuller, 937.854.7212 between the hours of 8 am - 5 p.m.

Mayor McDonald -

b. Council Members

Mr. Vaughn - Exciting times in the city as we're moving forward with development, activities, and new investments - please support our efforts. Mr. Kelley - Participated in the Mayors neighborhood walk that was well received. Ms. Page - Spoke to the Boy Scouts Troop 44 about why its important to vote. Ms. Finley - encourage everyone to get out and vote. A Veteran I.D. program available to those that qualify. Mayor McDonald - some streets have now been paved and will continue to do so. City Manager is developing a street paving plan that will be done is stages in the near future. Today, the cost to pave one lane is \$188,000.00. We will continue to work hard to maintain and repair our aging infrastructure that also includes waterlines and sewerlines.

 c. 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.

d. Staff Reports

A. <u>18-40</u> Liquor Permit - Renewal

Attachments: Liquor Permit 3030 Shiloh Springs Road

Police Chief Wilson said this is a transfer permit from C1 to a C2 under the corporation name. They are requesting this transfer to the owners name. Mayor McDonald requested a motion. A motion was made by Vice Mayor Gales to approve, second by Ms. Page. Roll call:

- Aye: 7 Mayor McDonald, Vice Mayor Gales, Councilmember Vaughn, Councilmember Finley, Councilmember Kelley Jr., Councilmember Brown and Councilmember Page
- XIV. New Web Site Launch Daniel Rizer, Creative Director for Catapult Creative, Dayton, OH

Mr. Rizer introduced the new city web site - www.trotwood.org

XV. Motion to Adjourn

Mayor requested a motion to adjourn the meeting at 8:25 pm. A motion was made by Ms. Finley, second by Vice Mayor Gales and passed. Roll call:

Aye: 7 - Mayor McDonald, Vice Mayor Gales, Councilmember Vaughn, Councilmember Finley, Councilmember Kelley Jr., Councilmember Brown and Councilmember Page