

City of Trotwood

3035 Olive Road
Trotwood, Ohio 45426
937.837.7771
www.trotwood.org



Meeting Minutes

Monday, July 1, 2019

6:30 PM

Trotwood Community & Cultural Arts Center
4000 Lake Center Drive, Trotwood, Ohio

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. Call to Order: Mayor Mary A. McDonald

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

II. Pledge of Allegiance**IV. Roll Call: Clerk of Council**

Staff Members: City Manager Quincy E. Pope, Sr, Deputy City Manager Stephanie Kellum, Assistant to City Manager Cheryl Wheeler, Police Chief Erik Wilson, Finance Director Chris Peeples, Fire Chief Rick Haacke, Deputy Fire Chief Brandon Barnett, Law Director Stephen McHugh, Planning & Devm't Director Jung Han Chen, Trotwood CIC Fred Burkhardt & Chad Downing, Public Works Superintendent Johnny McCluskey, Parks & Recreation Program Coordinator Ciara Lewis, Income Tax Donna Sue Bowman and Sandy Riege Fuller Deputy Clerk of Council. **Visitors:** James Williams, Mattir Clay, Steven Champion, Tom Grady, Maurice Rodgers, Janet Foote, JoAnne Orihood, David Norvell, Anthony Barwick, Barbara Higgins, and John Fecke.

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

V. Motion to Approve the Agenda

Mayor McDonald asked for a motion. A motion was made by Vice Mayor Gales 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

VII. 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.

None submitted.

VIII. Special Presentations and Recognitions

Mayor McDonald introduced Master Chen Yen from the Buddhist Tzu Chi Foundation who's the representative for this non-governmental foundation. Their volunteer group came from the the Dayton area and out of state to help our residents with the cleanup from the Memorial Day 2019 Trotwood tornado. They assisted with the distribution of meals to shelters and helped the residents to clean up their properties that were full of debris all in partnership with the Red Cross and the city of Trotwood. City Council and officials were truly grateful for their support.

- A. [PR32-19](#) INTRODUCING NEW EMPLOYEE GWENDOLYN GILREATH, CLERK TYPIST 2 TO THE PLANNING & DEVELOPMENT DEPARTMENT

Attachments: [PR32-19Bio of Gwendolyn Gilreath \(003\)](#)

Mr. Jung-Han Chen introduced Gwendolyn Gilreath our newest employee working in the Planning & Development as Clerk Typist 2.

- B. [PR33-19](#) PRESENTATION BY CENTRAL STATE EXTENSION UNIVERSITY UPDATE BY ANTHONY E. BARWICK, COMMUNITY AND ECONOMIC DEVELOPMENT PROGRAM LEADER

Mr. Anthony Barwick, Associate Director announced new programming for consumers in our community available all over Ohio now available in 88 counties. New classes have been added such as: Database Programming at the YMCA for youth, Economic Development for minority women & Pop-up businesses, Stress & Health related, Cooking, Income Tax, Aquaponics and more. Some of the classes are free and others will go for college credits. Refer to their online calendar for details.

VIII. Motion to Approve the Consent Agenda

Mayor McDonald asked for a motion. A motion was made by Vice Mayor Gales 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

- A. [R19-82](#) A RESOLUTION BY THE CITY COUNCIL AUTHORIZING THE EXPENSES OF THE FAMILY REUNION WEEKEND AND AWARDS OF CASH PRIZES TO THE WINNER OF THE TROTWOOD SMOKE, SIZZLE, & SOUNDS BBQ CONTEST TO SERVE THE PUBLIC PURPOSE OF RECREATIONAL ACTIVITIES AND COMMUNITY RELATIONS FOR EXPENDITURES NOT TO EXCEED \$16,850.00.

Attachments: [R19-82 Resolution Family Weekend Events FINAL](#)

- B. [R19-83](#) A RESOLUTION BY THE CITY COUNCIL AUTHORIZING THE CITY MANAGER TO SCHEDULE A TROTWOOD COMMUNITY MARKET EVENT EVERY SATURDAY STARTING ON AUGUST 3RD THROUGH SEPTEMBER 28, 2019 AT THE CENTER POINT PLAZA LOCATED AT 440 EAST MAIN STREET IN TROTWOOD, OHIO TO SERVE THE PUBLIC PURPOSE OF COMMUNITY RELATIONS FOR EXPENDITURES NOT TO EXCEED \$3,500.00.

Attachments: [R19-83 Resolution Community Market Event](#)

- C. [R19-84](#) A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE CITY OF TROTWOOD TO SPONSOR A NATIONAL LEAGUE OF CITIES AND FIRST TIER SUBURBS COUNCIL SUMMER CONFERENCE MEETING ON FRIDAY, JULY 26, 2019 AT THE TROTWOOD COMMUNITY & CULTURAL ARTS CENTER, TO SERVE THE PUBLIC PURPOSE OF COMMUNITY RELATIONS FOR EXPENDITURES NOT TO EXCEED \$600.00

Attachments: [R19-84 NLC FIRST TIER SUMMER CONFERENCE](#)

- D. [R19-86](#) A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE TROTWOOD COMMUNITY IMPROVEMENT CORPORATION TO INITIATE A PROPERTY TAX FORECLOSURE ACTION ON THE TAX-DELINQUENT LAND KNOWN AS 314 W MAIN ST (PARCEL ID H33 00305 0054) IN ACCORDANCE WITH CHAPTER 5722 OF THE OHIO REVISED CODE.

Attachments: [314 W MAIN ST \(PARCEL ID H33 00305 0054\) - RESOLUTION](#)
[Hyperlink](#)

- E. [R19-87](#) A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE TROTWOOD COMMUNITY IMPROVEMENT CORPORATION TO INITIATE A PROPERTY TAX FORECLOSURE ACTION ON THE TAX-DELINQUENT LAND KNOWN AS 4600 GARDENDALE AVE (PARCEL ID H33 01118 0006) IN ACCORDANCE WITH CHAPTER 5722 OF THE OHIO REVISED CODE.

Attachments: [R19-87 4600 gardendale](#)
[Hyperlink](#)

- F. [R19-88](#) A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE TROTWOOD COMMUNITY IMPROVEMENT CORPORATION TO INITIATE A PROPERTY TAX FORECLOSURE ACTION ON THE TAX-DELINQUENT LAND KNOWN AS 4086 BRENTON DR (PARCEL ID H33301002 0008) IN ACCORDANCE WITH CHAPTER 5722 OF THE OHIO REVISED CODE.

Attachments: [4086 BRENTON DR \(PARCEL ID H33301002 0008\) - RESOLUTION](#)
[Hyperlink](#)

- G. [R19-89](#) A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE TROTWOOD COMMUNITY IMPROVEMENT CORPORATION TO INITIATE A PROPERTY TAX FORECLOSURE ACTION ON THE TAX-DELINQUENT LAND KNOWN AS 4025 GOLDENROD CT (PARCEL ID H33301122 0022) IN ACCORDANCE WITH CHAPTER 5722 OF THE OHIO REVISED CODE.

Attachments: [R19-89_4025 goldenrod](#)
[Hyperlink](#)

- H. [R19-90](#) A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE TROTWOOD COMMUNITY IMPROVEMENT CORPORATION TO INITIATE A PROPERTY TAX FORECLOSURE ACTION ON THE TAX-DELINQUENT LAND KNOWN AS 1439 SWINGER DR (PARCEL ID H33 01309 0016) IN ACCORDANCE WITH CHAPTER 5722 OF THE OHIO REVISED CODE.

Attachments: [R19-90_resolution 1439 swinger](#)
[Hyperlink](#)

- I. [R19-91](#) A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE TROTWOOD COMMUNITY IMPROVEMENT CORPORATION TO INITIATE A PROPERTY TAX FORECLOSURE ACTION ON THE TAX-DELINQUENT LAND KNOWN AS 1405 HAGERMAN DR (PARCEL ID H33 01223 0038) IN ACCORDANCE WITH CHAPTER 5722 OF THE OHIO REVISED CODE.

Attachments: [1405 HAGERMAN DR \(PARCEL ID H33 01223 0038\) - RESOLUTION](#)
[Hyperlink](#)

- J. [R19-92](#) A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE TROTWOOD COMMUNITY IMPROVEMENT CORPORATION TO INITIATE A PROPERTY TAX FORECLOSURE ACTION ON THE TAX-DELINQUENT LAND KNOWN AS 1208 GRAYSTONE DR (PARCEL ID H33 01204 0003) IN ACCORDANCE WITH CHAPTER 5722 OF THE OHIO REVISED CODE.

Attachments: [R19-92_resolution_1208_greystone](#)
[Hyperlink](#)

- K. [SR19-39](#) A motion for the Law Director to draft an Ordinance for the East Main Street Redevelopment Plan as submitted by Yard and Company

- L. [SR19-40](#) A motion for the Law Director to draft an Ordinance for the PC19-11 Zoning Text Amendment to create a new zoning classification Business-Industrial Campus District to the City of Trotwood Codified Ordinances

- M. [SR19-41](#) A motion for the Law Director to draft an Ordinance for PC19 Zoning Map amendment to amend the old Salem Mall five parcels on approximately 72 acres of land, from R-B Regional Business District to B-1 Business Industrial Campus district for the City of Trotwood

IX. Motion to Open the Public Hearing.

Mayor McDonald asked for a motion. A motion was made by Mr. Vaughn to open the Public Hearing 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

- X. Visitors: If you want to make a comment on the Public Hearing portion of the meeting, please stand to be sworn in by the Mayor. Proceed to the microphone, state your name, address, proceed with your comments. You will have three (3) minutes to speak.**

None came fourth.

XI. Public Hearings/Ordinances

- A. [OR11-19](#) A ORDINANCE BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE TROTWOOD COMMUNITY IMPROVEMENT CORPORATION TO INITIATE A TRANSFER OF TITLE FOR THE PROPERTY KNOWN AS 1 STRADER DRIVE, TROTWOOD, OHIO

Attachments: [OR11-19 1 STRADER DRIVE 7-1-2019](#)
[1 Strader overview package](#)

City Manager Pope stated this is an old abandoned doctor's office the city received from the land bank some time ago. The Trotwood CIC would like to make improvements and market the building for sale/or lease which would better position them for negotiation. No further discussion. Mayor McDonald asked for a motion. A motion was made by Vice-Mayor Gales to approve and second by Mr. Kelley. Roll Call:

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

- B. [OR12-19](#) ORDINANCE ACCEPTING THE TROTWOOD PLANNING COMMISSION'S RECOMMENDATION TO DELETE THE CURRENT TROTWOOD ZONING CODE CHAPTER 1141 PLANNED UNIT DEVELOPMENT AND ADOPT A NEW TROTWOOD ZONING CODE CHAPTER 1141 PLANNED UNIT DEVELOPMENT (PUD) OF THE CITY OF TROTWOOD

Attachments: [OR12-19 Ordinance Accepting Planning Commissions Recommendation re adoption of new zoning code chapter 1141 PUD \(01029198-3xA06A8\)](#)
[Staff Report to City Council for PC-19-07](#)
[Notice of Public Hearing July 1, 2019 Regular Council Mtg.](#)

City Manager Pope explained, this recommendation is to repeal the current Zoning Code Chapter 1140 and adopt a new Chapter 1140. Changes include revising the process and shorten the approval period. Keeping the underlying zoning district only creates an overlay district. Eliminate the proliferation of zoning districts with creation of PUD under the current process. Make the PUD an option instead of being mandatory. Replace specific site plan with final PUD and adding council in the final PUD plan review process. This recommendation is based to make the process less stringent. Mayor McDonald asked for a motion. A motion was made by Ms. Brown to approve and 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

C. [OR13-19](#)

ORDINANCE ACCEPTING THE TROTWOOD PLANNING COMMISSION'S RECOMMENDATION TO AMEND THE TROTWOOD ZONING CODE CHAPTER 1123, DEFINITION, SPECIFICALLY, FOSTER CARE AND TO AMEND THE SCHEDULE B: PERMITTED AND CONDITIONAL USES BY DISTRICT OF THE TROTWOOD ZONING CODE TO BE CONSISTENT WITH CHAPTER 5103 OF THE OHIO REVISED CODE FOR THE CITY OF TROTWOOD, OHIO

Attachments: [PC-19-05 Case Document](#)
[Staff Report to Council for PC-19-05](#)

Jung-Han Chen submitted this recommendation to City Council from the Planning Commission to amend Chapter 1125 to align the City's regulations to be consistent with the Ohio Revised Code. In the year 2011 the zoning code stipulates that any certified foster home shall be considered to be a residential use of property and shall not require a conditional permit or special exception certification. Therefore, we need to enact a new Chapter 1123 "Definitions and Appendix B Schedule of Permitted and Conditional Uses by District" to conform with the state law. Mayor McDonald asked for a motion. A motion was made by Mr. Vaughn 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

D. [OR14-19](#)

AN ORDINANCE BY TROTWOOD CITY COUNCIL ENACTING A NEW CHAPTER 732 TO THE TROTWOOD CODIFIED ORDINANCES ENTITLED, "UNSOLICITED WRITTEN MATERIALS"

Attachments: [OR14-19 Unsolicited Written Materials](#)

City Manger Pope explained, the city has a substantial interest in preserving and maintaining a high level of sanitation throughout the city to protect the health and welfare of our citizens. In order to do so we must make an effort to reduce the visual blight and litter within the City to prevent further damaged and interference with the private property of our citizens. The unsolicited written materials causes hardship upon the citizens properties and neighboring properties, streets and sidewalks. Therefore, this new ordinance addresses "Unsolicited Written Materials" language necessary to prevent the unsolicited distribution. All of Council are in agreement this legislation is needed. 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

- E. [OR16-19](#) AN ORDINANCE BY TROTWOOD CITY COUNCIL ENACTING A NEW CHAPTER 559 TO THE TROTWOOD CODIFIED ORDINANCES ENTITLED, "CHRONIC NUISANCE ABATEMENT".

Attachments: [OR16-19 Ordinance Enacting New Chapter 559 \(Chronic Nuisance Abatement\) \(01022534xA06A8\) \(004\)](#)

Police Chief Erik Wilson introduced this ordinance that deal with chronic littering as enforced by the Police Department under their regulations., With this formal action it provides a means to lessen the burden on the City by establishing requirements to abatement of "Chronic Nuisance Properties" it also address "Nuisance Activities" with the necessary procedures and penalties that may occur to put the burden on the property owners and/or violators. 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

XII. Motion to Close the Public Hearing

Mayor McDonald asked for a motion to close the Public Hearing. A motion was made by Vice Mayor Gales and 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

XIII. Resolutions

- A. [R19-80](#) A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S AUTHORIZED DESIGNEE, TO WAIVE RESIDENTIAL, COMMERCIAL AND INDUSTRIAL ZONING PERMIT APPLICATION FEES FOR PROPERTIES DAMAGED BY THE TORNADOES THAT STRUCK THE CITY IN MAY OF 2019.

Attachments: [R19-80 Res Waive Zoning Fees from Tornadoes 2019](#)

City Manager said this request is for the waiver of zoning permit fees for residential, commercial and industrial application due to the May 2019 tornado the struck the City to help alleviate some of the financial burden on our residents. Council are all in agreement this is a great recommendation. Mayor McDonald asked for a motion. A motion was made by Vice-Mayor Gales and second by Ms. Brown to approve. Roll Call:

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

- B. [R19-81](#) A RESOLUTION BY THE TROTWOOD CITY COUNCIL TO REMOVE THE SPECIAL ASSESSMENT FROM THE MONTGOMERY COUNTY TAX DUPLICATE FOR CHARGES FOR DELINQUENT CUTTING AND REMOVAL OF WEEDS, VEGETATION AND/OR GRASS.

Attachments: [R19-85 Res Mowing Assessments in error](#)
[R19-81 Mowing Assesmts Removal in Error](#)

Finance Director Chris Peeples said, this legislation will remove the special assessment from the Montgomery County Tax Duplicate that was levied in error on certain properties addressing the grass mowing assessments due to transfers in ownership. Mayor McDonald asked for a motion. A motion was made to approve by Mr. Kelly 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

- C. [R19-85](#) A RESOLUTION BY THE TROTWOOD CITY COUNCIL AUTHORIZING THE CITY MANAGER, OR THE CITY MANAGER'S AUTHORIZED DESIGNEE, TO WAIVE, WATER AND SEWER FEES COMMENCING MAY 1, 2019 AND TRASH FEES COMMENCING ON JUNE 1, 2019 UPON SUBMITTAL OF THE APPROPRIATE DOCUMENTATION BY THE PROPERTY OWNER/TENANT, FOR PROPERTIES WHICH ARE NOW UNINHABITABLE DUE TO THE DAMAGE CAUSED BY THE TORNADOES THAT STRUCK THE CITY IN MAY OF 2019.

Attachments: [R19-85 Resolution by Council re Water Sewer Refuse Billing Suspension \(01028566-3xA06A8\)](#)
[R19-85 Waive Trash, Water, Sewer Tornado Exhibit A](#)
[R19-85 EXHIBIT B APPLICATION FOR SUSPENSION OF WATER AND SEWER - Exhibit B to related Resolution](#)

City Manager Pope said, as a result of the devastation from the tornadoes, and the hardship that has been placed upon our citizens directly impacted, we want to offer relief to temporarily waive the water, sewer and refuse billing fees. Customers will have to complete an application to suspend the meter reading by coming to our Utility Billing Department effective May 1, 2019 and until the property is deemed inhabitable and services can resume. Trash billing will be waived for a time period starting June 1, 2019 through the date that the trash service is reactivated. The cost impact to the City will be about \$5,250 per month for water/sewer and \$2,376 per month for trash. Council are all in agreement. Mayor McDonald asked for a motion. A motion was made by Vice Mayor Gales 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

XIV. Old & New Business

- a. **Mayor:** To schedule an appointment with the Mayor, contact Clerk of Council 937.854.7212 between the hours of 8 am - 5 p.m.
- 1. **THURSDAY, JULY 4th - CITY OFFICES WILL BE CLOSED FOR THE HOLIDAY, OPEN ON FRIDAY, JULY 5, 2019**
- 2. **TUESDAY, JULY 30 FROM 4-6 pm - RESTORATIVE JUSTICE EVENT WITH GREATER DAYTON VOLUNTEER LAWYERS PROJECT LEGAL RESOURCE CENTER SPONSORED BY THE CITY OF TROTWOOD WILL BE AT THE TROTWOOD COMMUNITY & CULTURE ARTS CENTER.**
- 3. **FRIDAY, JULY 26 FROM 11:00 AM - 1:00 PM - NATIONAL LEAGUE OF CITIES AND FIRST TIER SUBURBS WILL HOLD THEIR SUMMER CONFERENCE MEETING AT THE CITY OF TROTWOOD.**
- b. **Council Members**
- 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**
- XV. **Motion to Adjourn**

Mayor asked for a motion. A motion was made by Mr. Kelley and second by Ms. Page at 8:435 pm approved unanimously. Roll Call:

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