

NOTICE OF SPECIAL MEETING  
OF THE  
CITY COUNCIL

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Mr. Heath, Mr. Kendall, Mr. Lutz, Mrs. Oda, Mr. Phillips, Mr. Schweser,  
Mr. Severt, Mr. Terwilliger, Mr. Twiss, Mrs. Baker

*You are hereby notified that there will be a special meeting of the City Council of The City of Troy, Ohio, at the Council Chamber in said city, on Thursday the 20<sup>th</sup> day of September, 2018 at 7:30 A.M. for the purpose of considering: R-40-2018 (Object to FCC proposed regulations for small cell facilities, emergency legislation); O-41-2018 (Notwithstanding Legislation to allow overnight camping and fire pit at Treasure Island Park for UD River Stewards on September 29-30, 2018, emergency legislation); and O-42-2018 (Reappropriation) . This meeting is called by Council President Baker pursuant to Rule XXV of the Troy City Council Rules for Procedure.*

*Signed by us as duly elected and qualified members of the City Council of the City of Troy, Ohio, this \_\_\_\_\_ day of September, 2018.*


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# RETURN

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*Served the within notice by delivering a true copy thereof to Brock A. Heath, William Lutz, Thomas M. Kendall,*

*Bobby W. Phillips, Robin I. Oda, John W. Schweser, Todd D. Severt, John L. Terwilliger, William C. Twiss,*

*and Martha A. Baker, personally, on the \_\_\_\_\_ day of September, 2018, and by leaving a true copy thereof at*

*the usual place of residence of Brock A. Heath, William Lutz, Thomas M. Kendall, Bobby W. Phillips, Robin I. Oda,*

*John W. Schweser, Todd D. Severt, John L. Terwilliger, William C. Twiss, and Martha A. Baker, on the*

*\_\_\_\_\_ day of September, 2018.*

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*Police Officer*

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**RESOLUTION No. R-40-2018**

Dayton Legal Blank, Inc.

**RESOLUTION EXPRESSING OPPOSITION TO THE  
FEDERAL COMMUNICATIONS COMMISSION'S  
PROPOSED DECLARATORY RULING AND THIRD  
REPORT AND ORDER: STREAMLINING DEPLOYMENT  
OF NEXT GENERATION WIRELESS INFRASTRUCTURE  
AND DECLARING AN EMERGENCY**

**WHEREAS**, small cell technology, a tool to improve communication accessibility for the general population and businesses, requires extensive intrusion into the right-of-ways of municipalities across the country; and

**WHEREAS**, the City of Troy, Ohio recognizes the value of small cell technology, and want to encourage its implementation, as long as it is done in a safe and prudent manner; and

**WHEREAS**, the municipalities of Ohio, the Ohio General Assembly, and the major telecommunication companies spent eight months of negotiating and developing regulations to govern the placement, installation, and maintenance of small cell facilities as well as a fair fee structure to cover such placement, installation, and maintenance, which resulted in House Bill 478 and codified in the Ohio Revised Code, Chapter 4939; and

**WHEREAS**, those regulations were designed to allow the installation of small cell facilities throughout the municipalities of Ohio, but at the same time provided safeguards that protected each community's aesthetic standards and public infrastructure as well as their residents' safety; and

**WHEREAS**, the Federal Communications Commission ("FCC") now has before it a proposed Declaratory Ruling and Third Report and Order, titled *Streamlining Deployment of Next Generation Wireless Infrastructure*; and

**WHEREAS**, this report proposes new regulations that are contrary to the those now contained in the Ohio Revised Code; and

**WHEREAS**, the provisions in this proposal will negatively impact the ability of municipalities to protect the health, safety and welfare of their residents by allowing placement of small cell facilities on any publicly-owned structure in the right-of-way, regardless of whether that structure already has wireless equipment on it, or whether it has been zoned for placing that equipment, or even if they can support such facilities; and

**WHEREAS**, these proposed regulations will permit taller small cell facilities and reduce the municipalities' ability to include aesthetic requirements on the placement and installation of small cell facilities; and

**WHEREAS**, those proposed regulations further include a "one size fits all" approach to review of small cell facility installation applications, without regard to a communities' size and resources that impacts its abilities to properly and timely review such applications; and

**WHEREAS**, the Council of the City of Troy, Ohio objects to this proposal as counter-productive to the safe and effective installation of small cell facilities; and

**WHEREAS**, the Council of the City of Troy, Ohio believes that the regulations codified in the Ohio Revised Code are both fair and effective, and should remain in place rather than superseded by regulations that will fail to protect the health, safety and welfare of their residents and expose wireless infrastructure providers to unnecessary liability.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Troy, Ohio as follows:

**SECTION I:** That the Council of the City of Troy, Ohio hereby declares its opposition to the Federal Communications Commission's proposed Declaratory Ruling and Third Report and Order regarding state and local governance of small cell wireless infrastructure deployment known as *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84 and WT Docket No. 17-79.

**SECTION II:** That the Council of the City of Troy, Ohio hereby urges the FCC to allow comprehensive state legislation, such as that codified in the Ohio Revised Code, Chapter 4939, govern the placement, installation, and maintenance of small cell facilities, as those regulations are reflective of the needs, issues, conditions, and concerns of that state's communities and constituents.

**SECTION III:** That a copy of this Resolution be filed with the FCC and forwarded to U.S. Representatives Steven Chabot, Michael Turner, and Warren Davidson and to U.S. Senators Robert Portman and Sherrod Brown.

**SECTION IV:** That this Resolution is an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the City of Troy, Ohio, and for the further reason that this Resolution needs to be delivered to the FCC prior to their national meeting scheduled for September 26, 2018; NOW, WHEREFORE, this Resolution shall be effective immediately upon its adoption and approval by the Mayor.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

**ORDINANCE No. O-41-2018**

Dayton Legal Block, Inc.

**ORDINANCE AMENDING ORDINANCE NO. O-34-2018,  
AUTHORIZING THE USE OF AN AREA OF TREASURE ISLAND  
PARK FOR A 2018 UNIVERSITY OF DAYTON RIVER STEWARDS  
PROGRAM EVENT, NOTWITHSTANDING CONFLICTING  
PROVISIONS OF THE CODIFIED ORDINANCES OF THE CITY OF  
TROY, OHIO, AND DECLARING AN EMERGENCY**

**WHEREAS**, the Council of the City of Troy, Ohio, previously adopted Ordinance No. O-34-2018, authorizing an event for the UD River Stewards Program September 8, 2018 through September 9, 2018 notwithstanding the provisions of Sections 933.15 and 933.16 of the Codified Ordinances of the City of Troy, Ohio, with the event to be held at Treasure Island Park; and

**WHEREAS**, due to rain conditions, in the interest of the safety of the participants it was determined to cancel the event on September 8 through September 9, 2018; and

**WHEREAS**, the UD River Steewards Program has requested permission to reschedule the event for Treasure Island Park on September 29 and 30, 2018, and there is no objection to the date change subject to all prior approvals; and

**WHEREAS**, in accordance with Section 933.07 of the Codified Ordinances of the City of Troy, Ohio, the Superintendent of Parks has granted special permission for the open hours of the Treasure Island Park to be extended only for those involved with the UD River Stewards Program visit to Troy, Ohio September 29-30, 2018; and

**WHEREAS**, Section 933.15 of the Codified Ordinances of the City of Troy, Ohio, limits fires in park areas of the City of Troy, Ohio to fires contained in the fireplaces, grills or stoves, and Section 933.16 of the Codified Ordinances of the City of Troy, Ohio, strictly prohibits certain activities within the park areas of the City of Troy, Ohio, with such prohibited activities including camping, sleeping or protracted lounging; and

**WHEREAS**, the UD River Stewards Program event will be cost neutral to the City of Troy.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Troy, as follows:

**SECTION I:** That notwithstanding the provisions of Section 933.15 of the Codified Ordinances of the City of Troy, Ohio, the Board of Park Commissioners of the City of Troy, Ohio, is hereby authorized to approve the request to permit the use of fire pit recreational fire at Treasure Island Park only for those involved with the UD River Stewards Program event and only for the time frame of 5:00 P.M., September 29, 2018, through 12:00 Noon, September 30, 2018, with such fire pit recreational fire meeting any requirements of the Fire Department of the City of Troy, Ohio.

**SECTION II:** That notwithstanding the provisions of Section 933.16 of the Codified Ordinances of the City of Troy, Ohio, the Board of Park Commissioners of the City of Troy, Ohio, is hereby authorized to approve the request to permit camping at Treasure Island Park only for those involved with the UD River Stewards Program event and only for the time frame of 5:00 P.M., September 29, 2018, through 12:00 Noon, September 30, 2018, and only in areas designated by the Superintendent of Parks of the City of Troy, Ohio.

**SECTION III:** That this Ordinance is an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the City of Troy, Ohio, and for the further reason that the event would take place in less than thirty days, **NOW, WHEREFORE**, this Ordinance shall be effective immediately upon its adoption and approval by the Mayor.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

**ORDINANCE No. O-42-2018**

Darton Local Blank, Inc.

**ORDINANCE AMENDING ORDINANCE NO. O-30-2017, AS AMENDED BY  
ORDINANCE NO. O-19-2018 AND ORDINANCE NO. O-21-2018,  
APPROPRIATING FUNDS NECESSARY FOR THE VARIOUS DEPARTMENTS  
AND OFFICES OF THE CITY OF TROY, OHIO, FOR THE YEAR 2018**

BE IT ORDAINED by the Council of the City of Troy, Ohio, at least two-thirds of the members duly elected thereto concurring as follows.

**SECTION I.** That Section XXVIII of Ordinance No. O-30-2017 as set forth below, is hereby repealed in its entirety:

*FUND	TOTAL	TRANSFER
<u>SECTION XXVIII.</u> HOBART ARENA FUND	\$ 1,737,404	\$ None "

**SECTION II.** That Section XXVIII of Ordinance No. O-30-2017 is hereby enacted as follows:

<u>SECTION XXVIII.</u> HOBART ARENA FUND	\$ 2,187,404	\$ None "
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**SECTION III.** That Section XXXIII of Ordinance No. O-30-2017 as set forth below, is hereby repealed in its entirety:

<u>SECTION XXXIII.</u> PARKING METER FUND	\$ 78,881	\$ None "
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**SECTION IV.** That Section XXXIII of Ordinance No. O-30-2017 is hereby enacted as follows:

<u>SECTION XXXIII.</u> PARKING METER FUND	\$ 83,881	\$ None "
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**SECTION V.** That this Ordinance shall be effective at the earliest date allowed by law.

Adopted: \_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_  
Clerk of Council Mayor