

MINUTES OF COUNCIL

A regular session of Troy City Council was held Monday, February 5, 2018, at 7:00 p.m. in Council Chambers.

Members Present: Heath, Kendall, Lutz, Oda, Schweser, Severt, Terwilliger and Twiss.

Upon motion of Mr. Heath, seconded by Mr. Twiss, Mr. Phillips was excused from this meeting by unanimous roll call vote.

Presiding Officer: Martha A. Baker President of Council

Others Present: Michael L. Beamish Mayor
Patrick E. J. Titterington Director of Public Service and Safety
John E. Frigge Auditor
Grant D. Kerber Director of Law

INVOCATION: An invocation was given by Mr. Kendall, followed by the Pledge of Allegiance.

MINUTES: The Clerk gave a summary of the minutes of the January 16, 2018, meeting of Troy City Council. There were no corrections or additions to these minutes. A motion was made by Mr. Heath, seconded by Mr. Kendall, to approve these minutes. Motion passed by unanimous roll call vote.

COMMITTEE REPORTS:

Finance Committee: Mr. Schweser reported as follows:

- 1) Committee recommends legislation be prepared approving the loan application of Smith's Boathouse Restaurant, LLC for \$126,873 from the Small Business Development Revolving Loan Fund. Committee further supports emergency legislation so that the loan can be processed and the improvements started.
- 2) Committee recommends legislation be prepared declaring certain City property as surplus and no longer needed for a public purpose and authorizing the Director of Public Service and Safety to advertise for the sale of the surplus items.

Reports signed by Schweser, Severt and Kendall.

Safety & Health Committee: Mrs. Oda, Chairman, reported that Committee recommends legislation be prepared to amend Chapter 509 of the Codified Ordinances related to curfew for minors with provisions that would reflect the current Ohio motor vehicle laws and be more reflective of current practices and activities of minors.

Report signed by Heath, Terwilliger and Oda.

Streets & Sidewalks Committee: Mr. Lutz reported that Committee recommends legislation be prepared accepting the dedication of 0.294 acres of right-of-way along West Water Street (at N. Elm Street and at N. Adams Street) as recommended by the Troy Planning Commission.

Report signed by Heath and Lutz.

Utilities Committee: Mr. Terwilliger, Chairman, reported as follows:

- 1) Committee recommends legislation be prepared to amend the Sewer Use Ordinance sections 915.05 (f), 915.05 (l)(1), 915.07(n), and 915.14 related to the pretreatment program to meet the requirements of the Ohio EPA.
- 2) Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to enter into a professional services agreement with Arcadis U. S., Inc. to perform design services, bidding assistance and construction oversight for the UV System Replacement at the Wastewater Treatment Plant in an amount not to exceed \$128,700. Based on the timing of when this project can be performed, Committee supports emergency legislation.

Reports signed by Lutz, Twiss and Terwilliger.

Regarding the January 29, 2018 Workshop regarding the West Main Street Corridor Improvement Project, Mrs. Baker reported that the President of Council and seven Members of Council participated in the Workshop. She reported that the purpose of the workshop was to provide Council with general information regarding the project and the scope. The project is not yet designed, so some questions could not be addressed. As the project progresses, there will be other discussions with Council/requests for authorization. Also, as the project progresses, City staff will be meeting privately with property owners. Council's next steps in the process would be authorizing an agreement for the project design and applying for safety grants, following recommendations of staff.

Report signed by Heath, Kendall, Lutz, Oda, Severt, Terwilliger and Twiss

AUDIENCE COMMENTS: None.

RESOLUTION NO. R-3-2018

RESOLUTION APPROVING THE APPLICATION OF SMITH'S BOATHOUSE RESTAURANT, LLC FOR ASSISTANCE FROM THE SMALL BUSINESS DEVELOPMENT REVOLVING LOAN FUND AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

Mr. Schweser moved for suspension of rules requiring three readings. Motion seconded by Mr. Kendall.

Yes: Lutz, Oda, Kendall, Schweser, Heath, Severt, Terwilliger and Twiss.

No: None.

Mr. Kendall moved for adoption. Motion seconded by Mr. Twiss.

Yes: Oda, Kendall, Schweser, Heath, Severt, Terwilliger, Twiss and Lutz.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-4-2018

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AGREEMENT WITH ARCADIS U.S., INC. OF COLUMBUS, OHIO TO PROVIDE THE DESIGN SERVICES FOR THE UV SYSTEM REPLACEMENT AT THE WASTEWATER TREATMENT PLANT, AND DELCARING AN EMERGENCY

This Resolution was given first title reading.

Mrs. Oda moved for suspension of rules requiring three readings. Motion seconded by Mr. Heath.

Yes: Kendall, Schweser, Heath, Severt, Terwilliger, Twiss, Lutz and Oda.

No: None.

Mr. Schweser moved for adoption. Motion seconded by Mr. Twiss.

Yes: Schweser, Heath, Severt, Terwilliger, Twiss, Lutz, Oda and Kendall.

No: None.

RESOLUTION ADOPTED

ORDINANCE NO. O-5-2018

ORDINANCE ACCEPTING THE DEDICATION OF A RIGHT-OF-WAY

This Ordinance was given first title reading.

Mr. Heath moved for suspension of rules requiring three readings. Motion seconded by Mr. Kendall.

Yes: Heath, Severt, Terwilliger, Twiss, Lutz, Oda, Kendall and Schweser.

No: None.

Mr. Schweser moved for adoption. Motion seconded by Mr. Terwilliger.

Yes: Severt, Terwilliger, Twiss, Lutz, Oda, Kendall, Schweser and Heath.

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-6-2018

ORDINANCE AMENDING CHAPTER 915 OF THE CODIFIED ORDINANCES OF THE CITY OF TROY, OHIO, USE OF PUBLIC SEWERS, SPECIFICALLY SECTIONS 915.05 (f), 915.05 (l)(1), 915.07(n), AND 915.14

This Ordinance was given first title reading.

Mr. Heath moved for suspension of rules requiring three readings. Motion seconded by Mr. Severt.

Yes: Terwilliger, Twiss, Lutz, Oda, Kendall, Schweser, Heath and Severt.

No: None.

Mr. Kendall moved for adoption. Motion seconded by Mr. Schweser.

Yes: Twiss, Lutz, Oda, Kendall, Schweser, Heath, Severt and Terwilliger.

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-7-2018

ORDINANCE DECLARING MUNICIPALLY OWNED PERSONAL PROPERTY AS NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND AUTHORIZING THE SALE OF SUCH EXCESS PROPERTY

This Ordinance was given first title reading.

Mr. Kendall moved for suspension of rules requiring three readings. Motion seconded by Mr. Twiss.

Yes: Lutz, Oda, Kendall, Schweser, Heath, Severt, Terwilliger and Twiss.

No: None.

Mr. Schweser moved for adoption. Motion seconded by Mr. Terwilliger.

Yes: Oda, Kendall, Schweser, Heath, Severt, Terwilliger, Twiss and Lutz.

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-8-2018

AN ORDINANCE REPEALING EXISTING SECTION 509.08 OF THE CODIFIED ORDINANCES OF THE CITY OF TROY, OHIO, AND ESTABLISHING NEW SECTION 509.08 OF THE CODIFIED ORDINANCES OF THE CITY OF TROY, OHIO, REGARDING CURFEW OF MINORS

This Ordinance was given first title reading.

Mrs. Oda moved for suspension of rules requiring three readings. Motion seconded by Mr. Heath.

Yes: Kendall, Schweser, Heath, Severt, Terwilliger, Twiss, Lutz and Oda.

No: None.

Mr. Severt moved for adoption. Motion seconded by Mr. Schweser.

Yes: Schweser, Heath, Severt, Terwilliger, Twiss, Lutz, Oda and Kendall.

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-9-2018

ORDINANCE CHANGING THE ZONING OF 8.015 ACRES , PART OF INLOT 9891 IN THE CITY OF TROY, OHIO, FROM THE ZONING OF A-R, ARICULTURAL-RESIDENTIAL, TO R-3-B, SINGLE-FAMILY RESIDENTIAL DISTRICT

This Ordinance was given first title reading.

ORDINANCE NO. O-10-2018

ORDINANCE AMENDING SECTION 1141.01 (F) OF THE ZONING CODE OF THE CITY OF TROY, OHIO, AND ENACTING SECTION 1143.25 OF THE ZONING CODE OF THE CITY OF TROY, OHIO

This Ordinance was given first title reading.

A motion was made by Mr. Severt to amend O-10-2018 as follows:

“Whereas, there is currently before the City of Council pending legislation to establish a Designated Overlay District for Riverfront Development.

Whereas, I wish to propose to Council an amendment or modification of the legislation to assure the wishes of the public can be heard through mandatory public hearings and elected representatives can provide oversight to the developments in the overlay district

Therefore, I hereby move that the legislation be modified in three substantive areas:

1) The Boundary lines be expanded in the Northwest comer to include all areas North of Main Street, East of the existing rail-line near Madison Street and South of the Corporate Limits and expanded in the South East to include all areas South of East Canal Street and East of Morehead Street.

2) That the process for review of an applicant within the overlay district be split between parcels larger than 1/2 acre and/or containing all or part of 5 buildings and those smaller than the stated criteria. An application meeting the above criteria involving those parcels larger than 1/2 acre and/or containing all or part of 5 buildings shall be reviewed by the planning commission and upon recommendation immediately be presented to Council. Council shall have a first reading at its first scheduled meeting after presentation followed immediately by a MANDATORY

PUBLIC HEARING. The proposal shall proceed to a second reading at the next scheduled Council meeting and Council shall dispose of the recommendation through a majority vote.

3) When the parcel does not meet the above criteria that requires mandatory City Council action, the Planning Commission shall approve the said request via the following process:

The Planning Commission shall have two (2) mandatory meetings with readings of the proposed plan. The second meeting shall include a MANDATORY PUBLIC HEARING. The decision of the Planning Commission shall be forwarded to City Council and be subject a waiting period of 5 business days. If City Council takes no action within 5 business days of the decision of the Planning Commission, the decision of the Planning Commission shall become final. If City Council elects to re-consider the decision of the Planning Commission, the matter shall be placed on the agenda at the next Council meeting. The decision of the Planning Commission shall become final unless 3/4 of the members of City Council vote to overturn the decision within 90 days.

Further, as a result of this Amendment that Section 1143.25 (g) (l) (e) as set forth in Section II relating to appeals to the Board of Zoning Appeals of the Ordinance be deleted in its entirety.

Wherefore, it is hereby requested that this motion be seconded, immediately voted on, and, assuming passage proceed to a 2nd reading.”

Motion seconded by Mr. Schweser.

Yes: Heath, Severt, Terwilliger, Twiss, Lutz, Oda, Kendall and Schweser.

No: None.

AMENDMENT APPROVED

COMMENTS OF THE MAYOR: Mayor Beamish thanked Youth Council advisors Grant Kerber and Tim Davis for organizing a group event on February 4.

COMMENTS OF THE DIRECTOR OF PUBLIC SERVICE AND SAFETY: Mr. Titterington commented:

-There may be additional legislation presented to Council associated with the boathouse building at Treasure Island Park associated with the lease arrangement between the City and the CIC.

-Next meeting will be February 20 due to the President’s Day Holiday.

COMMENTS OF THE DIRECTOR OF LAW: Mr. Kerber commented that the Youth Council members enjoyed the February 4 event.

COMMENTS OF COUNCIL: Mr. Severt thanked the Director of Law for providing information related to his proposed motion to amend O-10-2018.

CITIZEN COMMENTS:

-Lester Conard, 1210 S. Clay Street asked about bicycle indicators on Dorset Road and the cost, the “rubber” school indicators that have been placed on the road and proposed life, and mentioned that there has been tree work in Westbrook that he thinks has improved the area. Mr. Titterington explained that the bicycle indicators were placed as there are shared lanes and will bring awareness and comply with the Complete Streets Policy. Regarding cost, it was stated it is paint and was part of the paving contract, so there was no cost increase. Mr. Titterington advised that the heat tape on the roadways at schools has a longer shelf life than paint and is also reflective to meet Federal guidelines.

-Bill Rozell, 637 Clarendon Road, stated his appreciation for the quick road treatment following a Feb. 4 weather event.

There being no further business, Council adjourned at 7:32 p.m.