

MINUTES OF COUNCIL

A regular session of Troy City Council was held Monday, March 4, 2019, at 7:00 p.m. in Council Chambers.

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

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 & PLEDGE OF ALLEGIANCE: An invocation was given by Council Member Twiss, followed by the Pledge of Allegiance.

PRESENTATION: On behalf of Rumpke of Ohio, Inc., Mayor Beamish recognized Deann Bechtol, Branford Road, Troy, Ohio, for being named the recipient of the Rumpke "Look Who Is Recycling" quarterly reward program for City of Troy residents who actively participate in recycling.

MINUTES: The Clerk gave a summary of the minutes of the February 19, 2019, meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mr. Heath, seconded by Mr. Kendall, these minutes were approved by unanimous roll call vote.

COMMITTEE REPORTS:

COMMITTEE OF THE WHOLE REPORT REGARDING OPEN CHECKBOOK: Mrs. Baker reported that Council President Baker chaired a Committee of the Whole meeting on February 28, 2019 to provide a recommendation to the City Auditor regarding whether Troy should join Open Checkbook as offered by the Office of the Ohio Treasurer. Following a motion by Mr. Kendall to recommend to the City Auditor that the City of Troy join for the Open Checkbook program offered by the Office of the State Treasurer, there was the following roll call vote (at the Committee meeting):

Yes: (not signed) No: Severt

It was noted that this subject would not require legislation, and the report of the Committee could just be voted on at the Council Meeting.

(Copy of report attached to original minutes.)

Discussion.

-Mr. Schweser commented that since the Committee Meeting he has reflected on the subject and he keeps going back to his question regarding if the State can look at all the communities participating in Open Checkbook and see how much money the City has and how spending is done, and the presenter said "yes". Mr. Schweser stated that has bothered him. He noted that since he came on Council, several remedies have been taken to balance the budget, including reductions in staffing of safety departments, and then the State saw the General Fund reserves and took more of the Local Government Funds, and then the State took all of the inheritance tax revenues, with a result of over \$1.3 million annual losses in the General Fund to Troy. He commented that he realizes joining Open Checkbook is free but you get what you pay for, and he is concerned that after so many entities sign up for the free program the State will look at the information and mandate that all entities operate the same way, and then create a new State program and look at the available information on local government finances as a way to fund the program. Mr. Schweser stated that after further consideration he now wished to withdraw his support of joining the Open Checkbook program.

-Mr. Phillips stated he wished to also withdraw his support of recommending the Auditor join Open Checkbook.

-Mrs. Baker commented that City budgets are totally public information and the State can get the bottom line finances of any city, and there is no way to predict what may or may not happen in the future.

-Mr. Phillips stated that he understands the comments of Mrs. Baker, but he has seen what the State has done regarding obtaining some income tax revenues in taking away the home rule of the City and does not want joining Open Checkbook to give the State more information to negatively impact the City.

-Mrs. Oda asked that Council go ahead and vote on the recommendation.

-Mr. Kerber clarified that voting on the Committee Report would be a "yes" vote if the Council wished to recommend that the Auditor proceed to sign up for Open Checkbook.

Voting:

Yes: Lutz, Oda, Kendall

No: Severt, Heath, Twiss, Schweser, Phillips, Terwilliger.

Signing up for Open Checkbook failed to be recommended.

Community & Economic Development Committee: Mr. Twiss, Chairman, reported that Committee supports the recommendation of the Troy Planning Commission and recommends Ordinance No. O-3-2019 be approved for the rezoning of Inlot 10622 (PARCEL NO. D08-104346) from M-2, Light Industrial District to an Industrial Planned Development (PD).

Report signed by Kendall, Schweser and Twiss.

Finance Committee: Mr. Kendall, Chairman, reported as follows:

- 1) Committee recommends that legislation be prepared accepting the recommendation of the Enterprise Zone Tax Incentive Review Council that the current Enterprise Zone Agreements be continued as they are in full compliance and the Troy Towne Park TIF be continued. In that the City must file an annual report with the Ohio Development Services Agency by the end of March regarding the continuance of the Agreements and the TIF, Committee supports emergency legislation.
- 2) Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to advertise for bids and enter into a contract for the Curbside Recycling Program at a cost not to exceed \$400,000 each year of the contract, with the contract to be for an initial three-year period and the option of two one-year extensions.

Reports signed by Schweser, Severt and Kendall.

Streets & Sidewalks Committee: Mr. Phillips, Chairman, reported regarding the moratorium on time-limited parking in the downtown area, that Committee met on March 4, 2019 (prior to the Council meeting) to consider a new proposal related to the time-limit related parking in the downtown area and recommends that the Administration proceed to implement the parking time limits as shown on the map (attached to original minutes with the report of the committee). Committee noted that this will not require legislative action. Committee further noted that the current moratorium on the issuance of tickets related to time-limit parking expires March 31 and understands that all signage announcing any new parking limits will be placed prior to March 31; and that a later legislative action would be to provide that enforcement does not extend to Saturdays.

Report signed by Heath, Lutz and Phillips.

A motion was made by Mr. Phillips, seconded by Mr. Heath, to accept the report of the Streets & Sidewalks Committee dated March 4, 2019.

MOTION PASSED UNANIMOUS VOTE

CITIZEN COMMENTS: None

#### RESOLUTION NO. R-9-2019

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE CURBSIDE RECYCLING PROGRAM

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

#### RESOLUTION NO. R-10-2019

RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW COUNCIL AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-11-2019

RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW COUNCIL FOR THE TOWNE PARK TIFF AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

ORDINANCE NO. O-3-2019

AN ORDINANCE CHANGING THE ZONING OF INLOT 10622 (PARCEL NO. D08-104346) IN THE CITY OF TROY, OHIO FROM M-2, LIGHT INDUSTRIAL DISTRICT TO AN INDUSTRIAL PLANNED DEVELOPMENT (PD)

This Ordinance was given first title reading on February 4, 2019.

Given Public Hearing and second title reading on February 19, 2019.

Given third title reading.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-4-2019

ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT REGARDING THE PURCHASE OF LIME FROM THE CITY OF DAYTON, OHIO

This Ordinance was given first title reading on February 19, 2019.

Given second title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-6-2019

AN ORDINANCE REPEALING SECTIONS 549.01, 549.02, 549.03, 549.04, 549.05, 549.06, 549.07, 549.10, 549.11 AND RE-NUMBERING SECTIONS 549.08 AND 549.09 OF THE CODIFIED ORDINANCES OF THE CITY OF TROY, OHIO

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

COMMENTS OF THE MAYOR: Mayor Beamish again thanked Ms. Bechtol for promoting recycling.

COMMENTS OF THE COUNCIL PRESIDENT: Mrs. Baker congratulated Mark Bartell and Officer Todd Sloan on their retirements and thanked them for their years of services to the City.

COMMENTS OF MEMBERS OF COUNCIL:

-Mr. Kendall noted that a report has been requested for a report of expenditures between \$25,000 - \$50,000. Mr. Titterington responded that he had discussed that with the Mayor and it would be provided with the last Items of Interest report of the month. Mrs. Baker stated that she had requested such report to be in the Council packet each month.

COMMENTS OF MEMBERS OF THE AUDIENCE:

-Brad Boehringer, 105 Crestwood Drive, extended an invitation to Council to attend an annual performance of the Melody Men on April 27 at the Grace United Methodist Church in Piqua.

-Mr. Heath commented that the Melody Men do an excellent job in entertaining with their singing.

There being no further business, Council adjourned at 7:37 p.m.

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Clerk of Council

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President of Council