

MINUTES OF COUNCIL

A regular session of Troy City Council was held Monday, April 15, 2019, at 7:00 p.m. in Council Chambers.

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

Upon motion of Mr. Heath, seconded by Mr. Phillips, Mr. Schweser 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 & PLEDGE OF ALLEGIANCE: An invocation was given by Council Member Lutz, followed by the Pledge of Allegiance.

PUBLIC HEARING: At 7:02 p.m., Mrs. Baker declared open a public hearing on Ordinance No. O-12-2019, rezoning of IL 10858 (10.284 ac. on Peters Rd.) from County zoning R-1AAA & A-1 to the City zoning of R-4, Single-family Residential District.

Speaking in Favor of the Rezoning:

-Bart Denlinger, 3035 McKaig Road, commented: he is representing the owners and has a pending contract to purchase the parcel to be rezoned from the owners (Delcamp); R-4 is requested as buyers are now wanting a little smaller lots/homes and this parcel is being designed to meet the needs of a smaller custom home with maintenance free living; he understands the neighbors have concerns regarding drainage and storm runoff and he has employed Choice One Engineering to evaluate the site and address those concerns; with the design and the City's required controls the storm water will be addressed to collect 80% of the runoff and send that water to a detention basin to the north to be released at a controlled rate rather than the sheet rate runoff released now.

Mrs. Baker noted that this rezoning has been assigned to the Community & Economic Development Committee, and that Committee will be meeting regarding the rezoning.

Speaking Opposed to the Rezoning:

-Lester Conard, 1210 S. Clay Street, stated a concern of getting more and more people into Troy, but would rather see more jobs in Troy as well as people. He said there have not been new jobs in Troy, no one is looking to bring in new jobs, and expansion such as at ConAgra had established jobs and does not bring in additional jobs.

-J. J. Frigge, 1635 Peters Road, provided a packet to Council and commented: he has met with Mr. Denlinger regarding concerns about the development of the property; concerns are aesthetics, property value impact of being next to the smaller lots and homes; impact on wildlife in the area; creating more drainage from developing the land as the property now drains through his front yard and over the driveway and runoff happens several times a year; the proposed development will be from 30'-50' outside his front door, and the density of 22 homes on ten acres; the land proposed to be rezoned is adjacent to large parcels ( 5.5 acres, 6 acres, and a 22-acre vacant tract); with the lot sizes proposed there could be 36-40 lots instead of the 22 indicated; he is unclear as to how the Planning Commission determined R-4 as appropriate zoning for the parcel; the flood plain starts in his back yard and drains to the north to a creek and then east through his back yard; there is concern related to safety with the new development; he offered to buy a buffer zone on the east side and Mr. Denlinger did not agree to that as he needs the area for drainage/detention; he has not heard anything in the last year from the developer and is not clear what the plan is and how the concerns will be addressed; Miami Soil and Water District looked at the property and found that the drainage from the entire area proposed to be rezoned naturally flows through his property; the Miami Conservancy District records show that rainfall is increasing and is 8" higher than the 50 year average; design of storm water management features need to be designed to a higher standard than a 50-year storm based on higher rainfall, Miami Valley Regional Planning Commission (MVRPC) documents showed this land as a low priority for development due to land condition, surface area and the groundwater contamination (medium risk) with high risk noted to the east is with contamination from pesticides, fertilizers and other contaminants; his property has a well and a pond and he is concerned about groundwater contamination; MVRPC reports show that the Delcamp land is not suitable for development for several reasons and if developed, it should be to County standards for density purposes; he feels he has been neighborly in dealing with Mr. Denlinger, but believes the he has been pushed off and he has the most impacted property in the area; and he invited Council to visit his property and see the stated concerns first hand.

Mr. Twiss noted that the Community & Economic Development Committee will meet on April 22 at 5:30 pm to review this rezoning request and provide a recommendation to Council.

There being on further comments in this regard, at 7:20 p.m. Mrs. Baker declared this public hearing closed.

MINUTES: The Clerk gave a summary of the minutes of the April 1, 2019, meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mr. Kendall, seconded by Mr. Twiss, these minutes were approved by unanimous roll call vote.

COMMITTEE REPORTS:

Buildings Committee: Mr. Lutz, Chairman, reported that Committee recommends legislation be prepared declaring as surplus and serving no public purpose Inlot 10631, a 1.447 acre parcel containing the house and associated outbuildings at 2290 North Troy-Sidney Road, and authorizing the Director of Public Service and Safety to offer such parcel for sale.

Report signed by Oda, Phillips and Lutz.

Community & Economic Development Committee: Mr. Twiss, Chairman, reported that Committee recommends legislation be prepared accepting the Final Record Plan of the Planned Development at 44 Peters Avenue, Inlot 10622, as submitted. Committee noted this will be the location of a USTORIT Store and Lock Storage Building, and the Final Record Plan conforms to the approved General Plan and Final Development Plan.

Report signed by Kendall, Schweser and Twiss.

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

- 1) Regarding repairs to the Lincoln Community Center, the bids for which project exceeded the \$120,000 authorization and did not include alternates to the bid, Committee recommends legislation be prepared to:
  - Authorize the Director of Public Service and Safety to file an amended application with the Ohio Development Services Agency (ODSA) to increase from \$120,000 to \$180,000 the use of the City of Troy CDBG RLF balance for improvements to Lincoln Community Center. The increase is due to the bids exceeding the original authorization and did not include alternates to the bid.
  - Upon approval of the application to ODSA, authorize the Director of Public Service and Safety to advertise for bids and enter into a contract for improvements to Lincoln Community Center in an amount not to exceed \$180,000.

Committee supports emergency legislation so that the application to ODSA can be submitted without delay and the project rebid.

- 2) Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to enter into a lease with the Communication Improvement Corporation of Troy, Ohio (CIC) regarding the CIC handling a ten-year lease associated with the Lincoln Community Center (LCC). Committee noted that the CIC would bear no on-going costs for the building, and none of the current services provided by the City to the LCC would change.
- 3) Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to enter into a contract with Rumpke of Ohio, Inc. for curbside recycling. Committee noted that Council had authorized a three-year contract with up to two one-year mutually agreed upon extensions at a cost not to exceed \$400,000 each contract year; however, only one bid was received, from Rumpke of Ohio, Inc., and that bid exceeded the authorization after the second year. Committee further noted that the legislation will authorize the following contract amounts:

CONTRACT YEAR	
2019-2020	\$372,718.84
2020-2021	\$386,872.72
2021-2022	\$401,026.60
2022-2023	\$415,180.48 (Optional year)
2023-2024	\$424,616.40 (Optional year)

Reports signed by Kendall and Severt.

Recreation and Parks Committee: Mr. Heath, Chairman, reported that Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to enter into an agreement regarding the Troy Strawberry Festival to be held within the levee area and the downtown, Market Street from Water Street to Staunton Road closed for safety, and the ball field parking lot during the 2019 festival, that part of Treasure Island Park be used for the "Friday Night Activities", and to include the limitation of some activities during, and for the hour before and after, each day's event activities.

Report signed by Oda, Terwilliger and Heath.

Streets & Sidewalks Committee: Mr. Phillips, Chairman, reported that Committee recommends legislation be prepared authorizing the 2019 Paving Program in an amount not to exceed \$1,280,000. Committee further noted that Annual Paving Program was increased from \$1,000,000 to \$1,100,000 based on anticipated revenue from the State's new gasoline tax, and an additional roadway condition assessment will be performed from these funds as well to help confirm paving programs for 2020 and beyond. Committee reported that the breakdown of the program for 2019 will be:

Annual Paving Program	\$ 1,100,000	(fund 441)
Park - Paving of Archer Park Parking Lot	\$ 30,000	(fund 228)
Cemetery Paving	\$ 10,000	(fund 672)
Alternate – Recreation Trail Resurfacing Phase 2	\$ 90,000	(fund 441)
Alternate – Miami Shores Golf Course Parking Lot Resurfacing	\$ 50,000	(fund 441)
TOTAL	\$ 1,280,000	

Report signed by Heath, Lutz and Phillips.

Discussion.

Mr. Twiss asked if there is information on the City's website that residents could check to see when a street may be scheduled to be paved. Mr. Titterington stated there is, but a number of factors could impact the proposed schedule, and citizens may also call to check on when a street may be paved.

Utilities Committee: Mr. Terwilliger, Chairman, reported that Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to advertise for bids and enter into a contract for the Harrison Street and Atlantic Street Water Line Replacement Project at a total cost not to exceed \$750,000, noting that much of the project will be funded through Community Development Block Grant Funds.

Report signed by Lutz, Twiss and Terwilliger.

**CITIZEN COMMENTS:**

Lester Conard, 1210 S. Clay Street, asked about the recommendation to sell surplus property. Mrs. Baker advised that the recommendation only covered the house and outbuildings. Mr. Conard stated he recalled that the City being able to use the house and outbuildings was a selling point when the City purchased the property. Mr. Conard also asked why the City did not bid recycling and suggested the City sell tickets for residents to put on a trash container when it was full as he pays for services he does not use. Mrs. Baker responded that the City did bid the recycling program, but only one bid was received, and the City cannot force companies to bid.

**RESOLUTION NO. R-16-2019**

**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 HARRISON STREET – ATLANTIC STREET WATER LINE REPLACEMENT PROJECT**

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

**RESOLUTION ADOPTED**

**RESOLUTION NO. R-17-2019**

**AN AMENDED RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO FILE AN APPLICATION TO THE OHIO DEVELOPMENT SERVICES AGENCY (ODSA) FOR THE USE OF A PORTION OF THE CITY'S ECONOMIC DEVELOPMENT REVOLVING LOAN FUND BALANCE FOR REPAIR WORK TO LINCOLN COMMUNITY CENTER, 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. Terwilliger

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

No: None.

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

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

No: None.

**RESOLUTION ADOPTED**

RESOLUTION NO. R-18-2019

RESOLUTION AMENDING RESOLUTION NO. R-68-2018, AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR IMPROVEMENTS TO THE LINCOLN COMMUNITY CENTER BUILDING, TROY, OHIO

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-19-2019

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 2019 PAVING PROGRAM

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-20-2019

RESOLUTION AMENDING RESOLUTION NO. R-9-2019, AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO A CONTRACT WITH RUMPKE WASTE & RECYCLING SERVICES FOR THE CURBSIDE RECYCLING PROGRAM

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

ORDINANCE NO. O-12-2019

ORDINANCE CHANGING THE ZONING OF INLOT 10858 IN THE CITY OF TROY, OHIO FROM THE COUNTY ZONING DISTRICTS OF R-1AAA, ONE FAMILY RESIDENTIAL DISTRICT, AND A-1, DOMESTIC AGRICULTURE DISTRICT, TO THE CITY ZONING OF R-4, SINGLE-FAMILY RESIDENTIAL DISTRICT

This Ordinance was given first title reading on April 1, 2019.

Given Public Hearing and second title reading.

ORDINANCE NO. O-13-2019

ORDINANCE ACCEPTING THE FINAL RECORD PLAN OF THE PLANNED DEVELOPMENT AT 44 PETERS AVENUE (INLOT 10622, PARCEL NO. DO8-104346) FOR THE USTORIT STORE AND LOCK STORAGE BUILDING

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-14-2019

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

This Ordinance was given first title reading.

Discussion. Mr. Severt noted that the proceeds from the sale of the house and outbuildings would be used at Duke Park.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-15-2019

ORDINANCE AUTHORIZING THE USE OF PUBLIC AREAS FOR THE 2019 TROY STRAWBERRY FESTIVAL AND AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AGREEMENT THEREFOR

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-16-2019

ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO A LEASE WITH THE COMMUNITY IMPROVEMENT CORPORATION OF TROY, OHIO REGARDING LEASE OF THE LINCOLN COMMUNITY CENTER FACILITY

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

COMMENTS OF MAYOR BEAMISH:

-Mayor Beamish commented that the City will be the host of the Great Miami Valley River Summit on April 19, and The Troy Foundation is the signature sponsor of the event.

-Prior to the Council Meeting, he attended the DARE Graduation at St. Patrick Elementary School.

-In response to Mr. Kendall's comments at the April 1 meeting regarding purchasing personal Thermal Imaging Cameras, he has met with staff and authorized the purchase of eight such units for the Fire Department, which will provide an extra layer of safety for citizens and the firefighters.

COMMENTS OF THE DIRECTOR OF PUBLIC SERVICE AND SAFETY:

Mr. Titterington commented regarding comments made during the meeting:

-Regarding the sale of the farmhouse/outbuildings, when the City purchased the Huelskamp property, the City did pay a premium based on the location of that farm to Duke Park, the \$1.5 million purchase price was offset by grants of approximately \$600,000, the County Park District purchased part of the land from the City for \$288,000 from grant funds so the land along the river could be maintained as conservation land, so approximately 60% of the cost was not funded by the City. The City was interested in using the structures if possible, but inspections and evaluations indicate that the house and other buildings will not serve the City,

especially in establishing a new Park Department office building and needed storage. Selling a small parcel of the land purchased by the City will generate revenue to go towards these purposes.

-Regarding recycling, residential properties are required to participate in a recycling program. A new contract for curbside recycling was bid, and contractors were contacted. Competitive bidding is required and is taken seriously by the City, but the City cannot require a contractor to bid. The City did analyze and compare contracting versus providing recycling in house, and found that the contract with Rumpke has a cost of approximately \$2 million over the life of the contract; if the City were to bring recycling in-house, the cost would be about \$3.2 million.

-Regarding jobs and assertions that there are no new jobs, most new jobs are created by existing business and industry. The ConAgra expansion is actually adding about 150 new manufacturing quality jobs by a company that has chosen to remain in Troy and to expand in Troy. The Kettering Health Network Troy Hospital project is a new project, bringing in about 150 jobs. Troy has been successful in companies both expanding and companies coming in to Troy, and bringing in new jobs, and economic development efforts are on-going to continue that success. In fact, there are about 800 jobs in Troy that continue to go unfilled, jobs that are in manufacturing, engineering, and other fields, that routinely start at \$40,000 annually and higher. Trying to help employers fill these jobs is also part of the City's economic development efforts.

COMMENTS OF THE PRESIDENT OF COUNCIL:

Mrs. Baker provided a reminder that Meet the Candidate will be held April 17, at 7:30 p.m. at the Junior High School.

COMMENTS OF MEMBERS OF COUNCIL:

-Mr. Twiss thanked the Park Department for getting the baseball fields around town ready for young ball players.

-Mr. Phillips noted that the Auditor of State provided an Outstanding Audit Report on the City's Police and Fire Pension Fund.

-Mr. Heath commented that he is glad to know that the City's partnership with the Troy Strawberry Festival continues, and noted that this excellent event has a very positive economic impact on the community.

COMMENTS OF MEMBERS OF THE AUDIENCE:

-Bill Emerick, 1137 Westridge Drive, asked the City to consider a spring cleanup for branches and leaves that fell after the last fall collection. He commented that he had raked leaves from his yard and that of neighbors and was advised they had to be moved.

EXECUTIVE SESSION: A motion was made by Mr. Kendall, seconded by Mr. Phillips, and approved by unanimous roll call vote that Council recess into Executive Session for:

1. Discussion of preparing for, conducting or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment; and
2. Conferring with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action.

At 8:07 p.m. Council recessed into Executive Session.

A motion was made by Mr. Kendall, seconded by Mr. Phillips, and approved by unanimous roll call vote that Council return to regular session.

At 8:37 p.m. Council returned to regular session, took no further action, and adjourned.

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Clerk of Council

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President of Council