

MINUTES OF COUNCIL

A regular session of Troy City Council was held Monday, May 21, 2018, at 7:00 p.m. in Council Chambers.

Members Present: Heath, Kendall, Lutz, Oda, Phillips, Schweser, Severt, 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 Mr. Twiss, followed by the Pledge of Allegiance.

MINUTES: The Clerk gave a summary of the minutes of the May 7, 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. Phillips, to approve these minutes. Motion passed by unanimous roll call vote.

COMMITTEE REPORTS:

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

- Committee recommends legislation be prepared authorizing the filing of an application for \$150,000 of PY 2018 CDBG Community Development Allocation Grant Program funds to be used for \$100,000 Harrison Street/Atlantic Street Water Main Replacement:
 - \$ 30,000 Sidewalk Street Corner Accessibility Ramp Installations
 - \$ 2,000 Fair Housing Program
 - \$ 18,000 General Administration
- Committee recommends legislation be prepared authorizing the filing of an application for \$500,000 of PY 2018 CDBG Critical Infrastructure Program funding to expand the Harrison Street/Atlantic Street Water Main Replacement project.

Discussion. Mrs. Oda asked about a notice of public hearing on CDBG funds that she had read and how the hearing fit into what Council is considering. Mr. Titterington replied that the hearing is part of the process, Council is asked to authorize filing the application, and staff is having the hearing to see if there are comments regarding the selected projects.

- Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to file an application with ODSA for use of up to \$120,000 from the City of Troy CDBG RLF balance for improvements to Lincoln Community Center. So that the application can be submitted and considered as soon as possible, committee supports emergency legislation.

Reports signed by Schweser, Severt and Kendall.

Recreation & 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 2018 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. Committee supports emergency legislation as the Festival will be held the first weekend of June.

Report signed by Oda, Terwilliger and Heath.

Streets & Sidewalks Committee: Mr. Phillips, Chairman, reported that Committee recommends that legislation be prepared authorizing the Director of Public Service and Safety to enter into a professional services agreement with LJB, Inc. of Miamisburg, Ohio, at a cost not to exceed \$139,000 for the design of the Riverside Drive Improvement Project Phase 2.

Report signed by Lutz, Heath and Phillips.

Discussion. Mr. Schweser asked about the extent of the design, and questioned if there would be savings to design the roadway to Duke Park at this time. Mr. Titterington replied that this phase stops at Orchard Drive, there will be additional phases to improve the roadway to Duke Park, and on how the design would be done, and the analyses required, there would not be an economy of scale to design the entire project at one time.

Utilities Committee: Mr. Terwilliger, Chairman, reported that Committee recommends legislation be prepared to regulate wireless equipment within the City of Troy, Ohio rights-of-way and establish underground utility areas. We recommend that Council enact a new Codified Ordinance Section, Chapter 921, Small Cell Facilities and Wireless Support Structures, and amend Section 903, Underground Utilities, to add a new subsection related to underground utilities within the public rights-of-way. Because of the timeline in which local legislation can be adopted, Committee supports the legislation being presented as an emergency measure.

Report signed by Lutz, Twiss and Terwilliger.

Discussion. In response to Mr. Schweser, Mr. Titterington commented that the legislation is to clarify what the State recently enacted and is to provide regulations and conformity for the next generation of cell towers, which will be more compact, but require more poles and equipment and be closer and density and location. He further commented that the State legislation provides for municipalities to have legislation to provide control over processes, design standards, and to require underground utilities where appropriate so that the standards are in place by which a provider can apply to build the technology in Troy. Mr. Titterington also noted that there are five eligible providers that have been approved for frequency by the State, and at least one has indicated interest in applying in Troy.

AUDIENCE COMMENTS:

Lester Conard, 1210 S. Clay Street, asked if Stonebridge Meadows is the plat with water problem on Finsbury Lane and was told it is not.

RESOLUTION NO. R-18-2018

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AGREEMENT WITH LJB, INC. OF MIAMISBURG, OHIO FOR DESIGN OF THE RIVERSIDE DRIVE IMPROVEMENT PROJECT PHASE 2

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-19-2018

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO FILE AN APPLICATION FOR THE USE OF PY 2018 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-20-2018

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO FILE AN APPLICATION FOR THE USE OF PY 2018 COMMUNITY DEVELOPMENT BLOCK GRANT CRITICAL INFRASTRUCTURE FUNDS FOR A WATER MAIN REPLACEMENT PROJECT

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-21-2018

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. Schweser.

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

ORDINANCE NO. O-18-2018

ORDINANCE ACCEPTING THE FINAL PLAT OF STONEBRIDGE MEADOWS PLANNED DEVELOPMENT SECTIONS SIX AND SEVEN IN THE CITY OF TROY, OHIO, AND DEDICATING RIGHT OF WAY

This Ordinance was given first title reading on April 2, 2018.

Given second title reading on April 16, 2018.

Given third title reading on May 7, 2018.

Given fourth title reading.

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

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

No: Heath.

ORDINANCE ADOPTED

ORDINANCE NO. O-22-2018

AN ORDINANCE ADOPTING AND IMPLEMENTING CHAPTER 921 OF THE CODIFIED ORDINANCES OF THE CITY OF TROY, OHIO, AND AMENDING SECTION 903 OF THE CODIFIED ORDINANCES OF THE CITY OF TROY, OHIO, TO ADD AND IMPLEMENT SUBSECTION 903.27, REGARDING SMALL CELL FACILITIES AND WIRELESS SUPPORT STRUCTURES, AND DECLARING AN EMERGENCY

This Ordinance was given first title reading.

ORDINANCE NO. O-23-2018

ORDINANCE CHANGING THE ZONING OF PARCEL NO. D08-058770, INLOT NUMBER 7039, LOCATED AT 530 CRESCENT DRIVE, IN THE CITY OF TROY, OHIO, FROM THE ZONING OF OC-1, OFFICE-COMMERCIAL DISTRICT, TO THE ZONING OF R-7, MULTIPLE-FAMILY RESIDENTIAL DISTRICT

This Ordinance was given first title reading.

ORDINANCE NO. O-24-2018

ORDINANCE AUTHORIZING THE USE OF PUBLIC AREAS FOR THE 2018 TROY STRAWBERRY FESTIVAL AND AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AGREEMENT THEREFOR, AND DECLARING AN EMERGENCY

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

COMMENTS OF THE MAYOR: The Mayor noted that on May 25, 6th grade students will be placing a wreath at the Veterans' Memorial.

COMMENTS OF THE DIRECTOR OF PUBLIC SERVICE AND SAFETY: Mr. Titterington reported that the North Market Street Improvement Project Phase 2 progress is ahead of schedule and, weather permitting, the driving lanes should be open by July 4, even though some of the project work will need to be completed after that date.

COMMENTS OF CITY COUNCIL:

-Mrs. Oda asked for some details regarding the North Market Street Improvement Project. Mr. Titterington advised that traveling north to Foss Way will have a drop lane, right turn only and a dedicated left lane is not warranted at this time but will be monitored to see if it would be warranted at a later time. Mrs. Oda commented that she is skeptical about not having the dedicated left lane.

-Regarding plans to the downtown area regarding a road diet to reduce the four driving lanes to three, Mrs. Oda asked for a complete list of total costs to make the proposed changes.

-As the traffic signals at the Square are being removed and pedestrian refuge islands installed, Mrs. Oda stated her concern for not installing Rapid Flashing Beacon lights.

-Mr. Twiss commented that pedestrians not comfortable with crossing the street without a traffic light can walk less than a block where there will be a light.

-Mr. Phillips asked that the list of property maintenance violations provided to Council be listed by wards.

COMMENTS OF AUDIENCE MEMBERS:

-Bill McIntosh, 1323 Surrey Road, invited Council to the opening Troy Civic Band concert for the year, which will be held Memorial Day. The concert will include a tribute to the late Kyle DeVelbiss, who was the band's announcer for the past 13 years. Mr. McIntosh also suggested that a County Road 25A entrance to the City does not have a good appearance.

-Mickey Hammer, 1160 Red Maple Drive, commented regarding O-18-2018, and stated his concern that the developer will not properly correct issues with earlier sections of the subdivision. Mr. Kerber commented that there are certain enforcements which City can monitor. It was also commented that the developer must deposit escrow funds which only the City can allow to be released and the City will be closely monitoring the development. Mr. Hammer commented that it has been said several times that some work would be done when there is dry weather, but there has been no definition of what constitutes dry weather.

-Lester Conard, 1210 S. Clay Street, commented that he believed Mrs. Oda and Mr. Heath asked for good faith actions by the developer of the Stonebridge Meadows Subdivision, but Council caved in to the developer.

-Kathi Roetter, 189 Littlejohn Road, on behalf to the Troy Strawberry Festival, thanked Council and the City for the support of the Festival, noted that 2018 will be the 44th festival, and commented that the festival could not take place without the City.

There being no further business, Council adjourned 7:48 pm.

Clerk of Council

President of Council