

MINUTES OF COUNCIL

A regular session of Troy City Council was held Monday, June 17, 2019, at 7:00 p.m. in Council Chambers.

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

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

MINUTES: The Clerk gave a summary of the minutes of the June 3, 2019, meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mr. Heath, seconded by Mr. Twiss, these minutes were approved by unanimous roll call vote.

COMMITTEE REPORTS:

Community & Economic Development Committee: Mr. Twiss, Chairman, reported that Committee recommends legislation be prepared to provide for the three legislative items required by state law related to the proposed Riverside Drive Properties Annexation of 18.102 acres from Staunton Township. To meet the timeline of the state law for an expedited annexation, the Committee supports emergency legislation. Report signed by Kendall, Schweser and Twiss.

Finance Committee: Mr. Kendall, 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 a fleet maintenance program at a cost not to exceed \$400,000 per year, with the contract period to be three years with up to two one-year mutually agreed upon extensions. Report signed by Schweser, Severt and Kendall.

Personnel: Mr. Severt, Chairman, provided an oral report that Mayor Beamish has requested approval of a new appointment and five reappointments to the City Beautification Committee and that Committee supports the request of the Mayor. A motion was made by Mr. Severt that Council approves the following:

New appointment of Barbara Redick to the City Beautification Committee for a 2-year term of July 1, 2019 through June 30, 2021. She will take the position of Judy Fiessinger who did not wish to be reappointed.

Re-appointment of the following to the City Beautification Committee for new 2-year terms of July 1, 2019 through June 30, 2021: Amy Cullis, Mary Davis, Phyllis Dawkins, Wanda Tremblay, Barrie Van Kirk.

Motion seconded by Mr. Twiss and approved by unanimous roll call vote.

Utilities Committee: Mr. Terwilliger, Chairman, reported that Committee recommends legislation be prepared granting easements to DP&L so that switchgear facilities can be moved above ground for ease of maintenance and safety of maintenance, with the easements located along Plum Street in the S. Cherry Street Parking Lot and along Mulberry Street in the Mulberry Street Parking Lot. Report signed by Lutz, Twiss and Terwilliger.

CITIZEN COMMENTS: None

RESOLUTION NO. R-24-2019

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 A FLEET MAINTENANCE PROGRAM

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-25-2019

RESOLUTION ESTABLISHING MUNICIPAL SERVICES FOR CERTAIN TERRITORY CONTAINING 18.102 ACRES, MORE OR LESS, IN STAUNTON TOWNSHIP, PROPOSED TO BE ANNEXED TO THE CITY OF TROY, OHIO, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

Discussion: In response to Mrs. Oda, it was stated that the Annexation Petition has been filed with the County, and was filed on June 5, 2019.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-26-2019

RESOLUTION ESTABLISHING BUFFER REQUIREMENTS FOR CERTAIN TERRITORY CONTAINING 18.102 ACRES, MORE OR LESS, IN STAUNTON TOWNSHIP, PROPOSED TO BE ANNEXED TO THE CITY OF TROY, OHIO, 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. Heath.

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-27-2019

RESOLUTION CONSENTING TO THE ANNEXATION OF CERTAIN TERRITORY CONTAINING 18.102 ACRES, MORE OR LESS, IN STAUNTON TOWNSHIP, TO THE CITY OF TROY, OHIO, 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. Schweser.

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION IN MEMORIAM – JAMES A MILEY (1950-2019) was read in entirety. Mr. Miley had served as a Member of Council (1992 and 1993). He passed away on June 16, 2019.

Upon motion of Mr. Schweser, seconded by Mr. Kendall, this Resolution in Memoriam was approved by unanimous roll call vote.

## ORDINANCE NO. O-20-2019

ORDINANCE GRANTING ELECTRIC EASEMENTS TO THE DAYTON POWER AND LIGHT COMPANY FOR THE RELOCATION OF SWITCHGEAR ON PARCEL ID: D08-251014, LOCATED ALONG MULBERRY STREET (WITHIN THE MULBERRY STREET PARKING LOT) AND ON PARCEL ID: D08-01950, LOCATED ALONG PLUM STREET (WITHIN THE SOUTH CHERRY STREET PARKING LOT)

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

## COMMENTS OF THE MAYOR:

Mayor Beamish:

-Thanked Council for approval of the appointment and reappointments to the City Beautification Committee.

-Noted the Kettering Health Network Troy Hospital will open on June 18.

## COMMENTS OF THE DIRECTOR OF PUBLIC SERVICE AND SAFETY:

Mr. Titterington advised:

-There will be an open house and ribbon cutting at the renovated Miami Shores Golf Course Club House on June 18.

-Trick or Treat will be held October 31, 6-8 p.m.

-Troy has received a thank you from officials of the City of Beavercreek for the mutual aid Troy has been providing for cleanup efforts following the recent tornadoes. The City has providing an employee and truck on work days and three staff trucks for 12-shifts on weekends. Mr. Titterington commented that it is expected the overtime costs will be reimbursed.

## COMMENTS OF MEMBERS OF COUNCIL:

-Mr. Terwilliger asked for an update on the Sherwood Shopping Center and markings in the area of the Square that can still be seen after the Strawberry Festival. In response Mr. Titterington advised:

1. The Sherwood Shopping Center renovations are nearing completion, utility work is complete, and there are several potential tenants. The owner considers that the project is on-track for both completion and in re-payments on the loans approved by the City.
2. The markings were for the numbers for tent locations for the Strawberry Festival, they should disappear with the weather, and the City will be looking for some form of marking that will be a little less permanent at future festivals.

-Mr. Severt commented that in recognition of the 100<sup>th</sup> anniversary of the Troy Rotary Club (2018), Rotary Club members planted about 3,000 plantings to add to the Monarch Butterfly Habitat at Treasure Island Park. Mr. Severt thanked City staff for the assistance provided and, on behalf of the Troy Rotary Club, thanked the City for providing the location.

## COMMENTS OF MEMBERS OF THE AUDIENCE:

-Don Hessler, 142 Riverside Drive, commented that he was not sure the residents understood what Resolutions of Council were regarding (Resolutions R-25, R-26, R-27) as they only had notice by the article about the Council meeting, and he apologized to his neighbors for not speaking sooner. He stated that the arguments the Riverside Drive residents presented earlier were valid arguments and no one on Council acknowledged the information or that it was accurate, the residents do not feel they got recognition from Council. He further commented that from the things they know from being residents of Riverside Drive, a bike path will put people in danger every day. He asked about more information regarding the Resolution regarding buffering requirements, asked about what will happen with the location of the mailboxes, stated the residents still object to the bike path, and commented that they will not be cooperative when the City comes to them about taking the lower end of their properties for another bike path.

Mr. Titterington advised that the Resolution regarding the buffering requirements is to indicate that newly annexed properties will have the same rights of buffering from adjacent zoning uses as the properties would have received if they had been in the City.

-Lester Conard, 1210 S. Clay Street, asked if the butterfly habitat was on land that was considered contaminated and could not be dug, and commented that he does not feel the City is taking care of clearing catch basins so that the water drains.

Mr. Titterington responded that the butterfly habitat is on land that was given to the City by ITW, the area cannot be dug deeper than 24" and the bushes were planted at a 12" depth. Regarding rain events, the City has been clearing catch basins when they are observed to be covered, but with hundreds of catch basins, he suggested that citizens call City Hall to report any that appear to not be free-flowing.

-Mrs. Oda suggested that it is possible for citizens to clean of a catch basin that seems to be covered.

EXECUTIVE SESSION: A motion was made by Mr. Kendall, seconded by Mr. Lutz, that Council recess into Executive Session to consider the purchase of property for public purposes. Motion passed by unanimous roll call vote.

At 7:40 p.m., Council recessed into Executive Session.

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

At 8:30 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