

MINUTES OF COUNCIL

A regular session of Troy City Council was held Monday, June 18, 2018, at 7:00 p.m. in Council Chambers.

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

Upon motion of Mr. Severt, seconded by Mr. Twiss, Mrs. Oda was excused from this meeting by unanimous roll call vote.

Upon motion of Mr. Phillips, seconded by Mr. Schweser, Mr. Terwilliger 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 Mr. Kendall, followed by the Pledge of Allegiance.

PRESENTATION: OEPA Geologist Megan Marhelski presented two certificates to Mayor Beamish, Water Plant Superintendent Jeff Monce, and Assistant Water Plant Superintendent Ralph Walters. One is for the City's updated Source Water Assessment & Protection Plan (SWAP) for the protection of the source of the City's drinking water. The other is for the exceptional implementation of SWAP plan. Ms. Marhelski stated that Troy's Plan far exceeds the minimum requirements of the program. Troy is only one of nine groundwater water systems that have implemented a SWAP.

PUBLIC HEARING:

At 7:08 p.m., Mrs. Baker declared open a public hearing on Ordinance No. O-26-2018, rezoning of 8.015 acres, part of Inlot 9891, from R-3-B, Single-Family Residential District, to A-R, Agricultural-Residential. There were no comments in this regard and at 7:10 p.m., Mrs. Baker declared this public hearing closed.

MINUTES: The Clerk gave a summary of the minutes of the June 4, 2018, meeting of Troy City Council. There were no corrections or additions to these minutes. A motion was made by Mr. Schweser, seconded by Mr. Kendall, to approve these minutes. Motion passed by unanimous roll call vote.

COMMITTEE REPORTS:

Community & Economic Development Committee: Mr. Twiss, Chairman, reported that Committee recommends Ordinance No. O-23-2018 be adopted to provide for the rezoning of IL 7039. Report signed by Kendall, Schweser and Twiss.

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

- 1) Committee recommend that legislation be prepared to amend Resolution No. R-16-2018 to authorize the \$500,000 loan to the Community Improvement Corporation of Troy with terms that include 4.5% APR. Committee supports emergency legislation so that the loan closing can take place this month.
- 2) Committee recommends that legislation be prepared to amend Chapter 919 of the Codified Ordinances regarding refuse collection as follows:
 - o Amend Section 919.11(c) to establish the following schedule for the monthly charge for residential refuse collection and recycling:
 - Beginning October 1, 2018 \$ 17.00
 - Beginning October 1, 2019 \$ 17.00
 - Beginning October 1, 2020 \$ 17.00
 - Beginning October 1, 2021 \$ 17.25
 - Beginning October 1, 2022 \$ 17.50
 - o Amend Section 919.10 to retaining the curbside collection of yard waste properly bagged in approved compostable material or bundled, but to not require the purchase of special bags at a fee, thus providing residents with an added service and a cost savings.
 - o Authorize the Director of Public Service and Safety to advertise for bids and enter into a contract for the operation of the Dye Mill Road Facility.
 - o Provide for any further amendments to Chapter 919 based on updates based on current practices.

Reports signed by Schweser, Severt and Kendall.

Discussion.

In response to Mr. Severt, it was stated that there was a system of annual rate increases for refuse/recycling back to 2009; the proposal establishes a three-year rate freeze followed by 25 cent increases per month for two years; five years from now the monthly fee will be \$17.50 instead of the current \$17; the operation of the Dye Mill Road Facility had not been privatized in the past, but there had been a previous contract that had not been executed satisfactorily; and the operation of the Dye Mill Road Facility had been by sealed bid with the requirement that the operation be at least effective as it is now. The City Auditor stated that City finances allow the rates to not be adjusted for three years. In response to Mr. Heath, it was stated residents can use bags for yard/garden refuse as long as they are similar to the bags that are now required to be used.

Law & Ordinance Committee: Mr. Schweser, Chairman, gave the oral report of receipt of notice from the Ohio Division of Liquor Control of transfer of the existing C1 and C2 liquor permits from Action G B&W Inc., Entire Building, 201 E. Staunton Road to Troy Food Mart, Inc., Entire Building, 201 E. Staunton Road.

AUDIENCE COMMENTS: Lester Conard, 1210 S. Clay Street, suggested the City will make more than it does from the sale of T-Bags (for yard/garden refuse) when the rate increase starts. Mr. Severt commented that the initial review was for a 5-year 50 cent per month increase and with the hard work of the Mayor, Auditor and City Administration, the proposal is for a 3-year cost freeze, followed by increases of 25 cents per month each year for two years, and this is providing an improved service at less cost to the City.

RESOLUTION NO. R-22-2018

A RESOLUTION AMENDING RESOLUTION NO. R-16-2018, APPROVING A LOAN TO THE COMMUNITY IMPROVEMENT CORPORATION OF TROY, OHIO FOR THE REVITALIZATION OF SHERWOOD SHOPPING CENTER AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-23-2018

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 OPERATION OF THE CITY'S DYE MILL ROAD FACILITY

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION 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 on May 21, 2018.

Given second title reading June 4, 2018.

Given third title reading.

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

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

No: None.

ORDINANCE ADOPTED

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 on May 21, 2018.
Given Public Hearing and second title reading on June 4, 2018.
Given third title reading.

Mr. Heath moved for adoption. Motion seconded by Mr. Twiss.
Yes: Severt, Kendall, Phillips, Schweser, Heath, Lutz and Twiss.
No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-25-2018

ORDINANCE ACCEPTING THE FINAL PLAT OF HALIFAX ESTATES SUBDIVISION SECTION FOUR IN THE CITY OF TROY, OHIO AND DEDICATING RIGHT-OF-WAY

This Ordinance was given first title reading on June 4, 2018.
Given second title reading.

Mr. Phillips moved for suspension of rules requiring three readings. Motion seconded by Mr. Kendall.
Yes: Kendall, Phillips, Schweser, Heath, Lutz, Twiss and Severt.
No: None.

Mr. Schweser moved for adoption. Motion seconded by Mr. Heath.
Yes: Phillips, Schweser, Heath, Lutz, Twiss, Severt and Kendall.
No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-26-2018

ORDINANCE CHANGING THE ZONING OF 8.015 ACRES, PART OF INLOT 9891 IN THE CITY OF TROY, OHIO, FROM THE ZONING OF TO R-3-B, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO THE ZONING OF A-R, AGRICULTURAL-RESIDENTIAL DISTRICT AND REPEALING ORDINANCE NO. O-9-2018

This Ordinance was given first title reading on June 4, 2018.
Given Public Hearing and second title reading.

ORDINANCE NO. O-27-2018

ORDINANCE AUTHORIZING THE USE OF PUBLIC AREAS FOR THE 2018 TOUR DE DONUT EVENT, NOTWITHSTANDING CONFLICTING PROVISIONS OF THE TROY CODIFIED ORDINANCES, AND AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AGREEMENT WITH ROCKETSHIP SPORTS, INC. THEREFOR

This Ordinance was given first title reading on June 4, 2018.
Given second title reading.

Mr. Heath moved for suspension of rules requiring three readings. Motion seconded by Mr. Schweser.
Yes: Schweser, Heath, Lutz, Twiss, Severt, Kendall and Phillips.
No: None.

Mr. Schweser moved for adoption. Motion seconded by Mr. Heath.
Yes: Heath, Lutz, Severt, Kendall, Phillips and Schweser.
No: Twiss.

ORDINANCE ADOPTED

ORDINANCE NO. O-28-2018

ORDINANCE AUTHORIZING THE USE OF PUBLIC AREAS ORDINANCE AUTHORIZING THE USE OF PUBLIC AREAS FOR THE 2018 DONUT JAM EVENT, NOTWITHSTANDING CONFLICTING PROVISIONS OF THE TROY CODIFIED ORDINANCES, AND FURTHER APPROVING THE USE OF AN AREA FOR THE SALE OF BEER AND WINE, SUBJECT TO THE ISSUANCE OF PROPER PERMITS BY THE STATE OF OHIO AND PROCUREMENT OF LIQUOR LIABILITY INSURANCE AND AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AGREEMENT WITH TROY MAIN STREET, INC. THEREFOR

This Ordinance was given first title reading on June 4, 2018.
Given second title reading.

Mr. Heath moved for suspension of rules requiring three readings. Motion seconded by Mr. Schweser.
Yes: Lutz, Twiss, Severt, Kendall, Phillips, Schweser and Heath.
No: None.
Mr. Schweser moved for adoption. Motion seconded by Mr. Phillips.
Yes: Severt, Kendall, Phillips, Schweser, Heath and Lutz.
No: Twiss.

ORDINANCE ADOPTED

ORDINANCE NO. O-29-2018

AN ORDINANCE REPEALING CHAPTER 919 OF THE CODIFIED ORDINANCES OF THE CITY OF TROY, OHIO AND ENACTING NEW CHAPTER 919 OF THE CODIFIED ORDINANCES OF THE CITY OF TROY, OHIO REGARDING SOLID WASTE SERVICE

This Ordinance was given first title reading.

Mr. Severt moved for suspension of rules requiring three readings. Motion seconded by Mr. Heath.
Yes: Kendall, Phillips, Schweser, Heath, Lutz, Twiss and Severt.
No: None.
Mr. Schweser moved for adoption. Motion seconded by Mr. Severt.
Yes: Phillips, Schweser, Heath, Lutz, Twiss, Severt and Kendall.
No: None.

ORDINANCE ADOPTED

COMMENTS OF THE MAYOR: Mayor Beamish commented thanked a youth group from the Mid-County Church of Christ for performing community service work.

Regarding the Tour de Donut and the Donut Jam events, Mayor Beamish stated he is a supporter of the community and has been a team player in these community events; he is also a passionate about supporting family values and most of the time that is hand in hand with the support of the community events; when it has come to events including the serving/consumption of alcohol he has put aside his personal beliefs and preferences; and after careful and prayerful consideration he has determined that he will not veto the legislation regarding the Tour de Donut (O-27-2018) and Donut Jam (O-28-2018) events, but will not sign them and they will become effective without his signature; and he hopes that his position is appreciated.

COMMENTS OF THE DIRECTOR OF PUBLIC SERVICE AND SAFETY: Mr. Titterington noted that City offices will be closed July 4.

He stated that recently along with members of the City staff he attended a meeting of residents at which concerns about the Kidder Ditch were discussed. That meeting was also attended by Council President Baker and Council Members Kendall and Terwilliger, as well as Frank Harlow, the proposed developer of the area north of Finsbury Lane. Mr. Titterington commented: a storm water master plan was completed at the end of 2017 with 16 projects identified; number one of those projects was the Kidder Ditch, with the most costly portion being that from N. Market Street to Skylark; a preliminary estimate for that portion is at least \$1.2 million and that cost does not include cleanup of obstructions and vegetation especially east of the Finsbury; other identified projects will be more than \$10 million; the City is looking at how to finance the projects and over what period of time as the projects are complex; the solution will be a multi-year effort; and the City is determining if some work can be done earlier. He commented that Mr. Harlow explained his development plans for the area north of the Kidder Ditch, which will include on-site management of storm water for the property to be developed and that north of the development.

COMMENTS OF THE PRESIDENT OF COUNCIL: Mrs. Baker thanked the volunteer companies that make up Operation Cloverleaf for being good community partners and thanked them for their work on that project as well as Operation Cloverleaf and Mercer Field.

COMMENTS OF MEMBERS OF COUNCIL:

- Mr. Severt commented that the Troy Rotary Club, in celebration of the club's 100th anniversary, is providing the community a free non-alcohol concert on July 4 at Treasure Island Park, with the concert concluding just prior to the start of the fireworks.
- Mr. Heath stated he thought the Troy Strawberry Festival was an excellent event.
- Mr. Lutz congratulated the three county United Way agencies on forming on agency.

-Mr. Lutz asked about pedestrians crossing where refuge islands have been established and should both sides of traffic stop. Mr. Titterington stated it is a judgment call by the pedestrian and drivers, and the pedestrians should use caution, but the pedestrian has the right of way.

-Mrs. Baker asked if drivers have been ticketed for not stopping when a pedestrian is crossing. Mr. Titterington stated he would check.

COMMENTS OF AUDIENCE MEMBERS:

Lester Conard, 1210 S. Clay Street, thanked Mr. Titterington for having a repair made that he had asked Mr. Titterington about.

There being no further business, Council adjourned 7:59 pm.

Clerk of Council

President of Council