

MINUTES OF COUNCIL

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

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

PUBLIC HEARING: At 7:02 p.m., Mrs. Baker declared open a public hearing on O-25-2019, rezoning parcels D08-250732, D08-048760, D08-250299, and D08-250296 from R-2, Single-family Residential District, R-5, Single-family Residential District, and M-2, Light Industrial District, to a Planned Development-Residential (PD-R).

-Lester Conard, 1210 S. Clay Street, asked about the location of the property, with Mr. Titterington stating the lots are located off S. Dorset Road, and are Troy Christian Schools property, including the future location of the Arbogast Performing Arts Center (APAC).

-Nancy Smith, 1890 Arlington Ave., asked about impact on parking and the type of events that would be at the Arbogast Performing Arts Center, and who would determine the programs. Jessica Echols, on behalf of the applicant, Troy Christian Schools and the APAC, commented that parking would be provided on the property of Troy Christian Schools, overflow parking would be provided at the nearby Premiere Medical Center, and there should not be parking on street. Regarding the Arts Center, Ms. Echols stated it will have seating for 1,200 with performances family-friendly, similar to the Schuster Center and the Niswonger Performing Arts Center in Van Wert, Ohio, programs would be announced a year ahead, programs would be determined by the Executive Director and staff of the Arts Center, and the APAC is a separate 501 3(C) organization, it is a Christian organization, but not owned by Troy Christian Schools.

-Steve Wiegman, a Creekwood resident, for his daughter who lives at 424 S. Dorset Road, asked about plans to remove his daughter's residence and how long she would have to move. Mr. Titterington advised that the property requested to be rezoned is totally owned by Troy Christian Schools, there would no forced removal of any homes, only those owned by APAC or Troy Christian Schools might be demolished, and the rezoning request has nothing to do with demolition.

-There was a question about a traffic light at Dorset Road and Arlington Avenue, and it was stated that no light is planned. It was also stated that there are no traffic changes now planned for Arlington Avenue, but a traffic study is being worked on and there may be directed traffic based on time of day and possible attendance.

There being no further comments in this regard, at 7:13 p.m. Mrs. Baker declared the public hearing closed.

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

COMMITTEE REPORTS:

Law & Ordinance Committee: Mr. Schweser, Chairman, reported that Committee recommends legislation be prepared accepting the Final Plat of Fox Harbor Subdivision Section 6, including the dedication of right-of-way. Report signed by Schweser, Phillips and Severt.

Recreation & Parks Committee: Mrs. Oda reported as follows:

Committee supports the recommendations of the Mayor, the Board of Park Commissioners, and the Troy Recreation Board, and recommends that legislation be prepared to place a 1.2 mill, 10-year property tax on the November 5, 2019 ballot for the improvement of Duke Park, and based on the deadline to have initiatives to the Board of Elections, Committee supports emergency legislation. Committee also noted that this would require two pieces of legislation, one at the July 15 meeting requesting the County Auditor to certify the funding that would be generated by the proposed levy, and one at the August 5 meeting to then place the levy on the ballot. Report signed by Oda and Terwilliger. (Copy of Committee Report attached to original minutes.)

Discussion.

-Mrs. Baker commented that after the Committee met, clarification was received from Troy Jr. Baseball that the organization is satisfied with the number of fields proposed for Duke Park. Mrs. Baker asked Mr. Titterington for a clarification regarding the comment that a portion of the Duke Park project would be funded from the delayed W. Main Street Project, why the project is delayed and when it will begin. Mr. Titterington commented that the project is actually being pushed back, rather than delayed, based on funding participation by ODOT and MVRPC and when those funds will be released; the time frame for W. Main Street continues to be in the 2022-23 State FY; and as the Auditor has determined that it might be better to bond the roadway project than the park/recreation project, funds that would have been used for the W. Main Project would be available to partially fund the Duke Park Project.

Streets & Sidewalks Committee: Mr. Phillips, Chairman, reported as follows:

- 1) Committee recommends legislation be prepared authorizing the vacation of a portion of Arlington Avenue as petitioned by Troy Christian Schools, the only adjacent property owner.
- 2) Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to submit an application to the Ohio Public Works Commission for a grant for funding for the Riverside Drive Improvement Project Phase 4 and to execute any related documents. As the grant filing deadline is July 22, Committee supports emergency legislation.

Reports signed by Lutz, Twiss and Terwilliger

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 annual Sanitary Sewer Relining Project, at a cost not to exceed \$100,000.

Report signed by Lutz, Twiss and Terwilliger.

CITIZEN COMMENTS:

-Lester Conard, 1210 S. Clay Street, stated he loves kids but the cost of a levy (for Duke Park) is a lot for a person on a fixed income, and he asked Council to exempt senior citizens from the levy.

-Brad Boehringer, 105 Crestwood Drive, commented that he lives outside Troy and uses Duke Park, and that the project started with the ball fields and did not know how it got to a splash pad and other items, but there are a lot of people on fixed incomes and suggested the Duke Park Project be an income tax increase.

RESOLUTION NO. R-32-2019

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 SANITARY SEWER RELINING 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, Lutz, Terwilliger, Schweser, Oda, Twiss and Phillips.

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-33-2019

A RESOLUTION AUTHORIZING DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO, TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED 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. Schweser.

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-34-2019

RESOLUTION OF NECESSITY DECLARING THE INTENTION TO LEVY AN ADDITIONAL TAX IN EXCESS OF THE TEN-MILL LIMITATION FOR THE PURPOSE OF FUNDING PARKS AND RECREATIONAL UPGRADES IN THE CITY OF TROY, OHIO AND REQUESTING THE AUDITOR OF MIAMI COUNTY, OHIO FOR CERTIFICATION OF MILLAGE AND DECLARING AN EMERGENCY (SECTIONS 5705.03 AND 5705.19(H) OF THE REVISED CODE)

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

ORDINANCE NO. O-25-2019

AN ORDINANCE CHANGING THE ZONING OF PARCELS D08-250732, D08-048760, D08-250299, AND D08-250296 IN THE CITY OF TROY, OHIO FROM THE ZONING CLASSIFICATIONS OF R-2, SINGLE-FAMILY RESIDENTIAL DISTRICT, R-5, SINGLE-FAMILY RESIDENTIAL DISTRICT, AND M-2, LIGHT INDUSTRIAL DISTRICT, TO A PLANNED DEVELOPMENT – RESIDENTIAL (PD-R)

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

Given public hearing and second title reading.

ORDINANCE NO. O-26-2019

ORDINANCE VACATING A PORTION OF ARLINGTON AVENUE IN 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: Twiss, Phillips, Kendall, Severt, Lutz, Terwilliger, Schweser and Oda.

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-27-2019

ORDINANCE ACCEPTING THE FINAL PLAT OF THE FOX HARBOR SUBDIVISION SECTION 6 IN THE CITY OF TROY, OHIO AND DEDICATING RIGHT-OF-WAY

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, Lutz, Terwilliger, Schweser, Oda, Twiss and Phillips.

No: None.

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

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

No: None.

ORDINANCE ADOPTED

COMMENTS OF THE MAYOR: Mayor Beamish noted the following events:

-July 22, Cincinnati Symphony Concert on the Public Square at 8:00 p.m.

-August 6, National Night Out neighborhood events in the evening.

-September 8, Troy Memorial Freedom Climb during the afternoon.

COMMENTS OF THE PRESIDENT OF COUNCIL:

Mrs. Baker thanked Fire Chief Simmons for the information in the monthly Fire Department report regarding transport to the different hospitals.

COMMENTS OF MEMBERS OF COUNCIL:

-Mr. Severt thanked Linda Schuman and Karen Purke for helping to organize the July 4 parade, noting that this community event has grown over the years and was very well attended.

-Mr. Twiss noted that the Troy Kids Triathlon will be held July 21, and he thanked Cheryl Chaney for continuing to organize this event.

COMMENTS OF MEMBERS OF THE AUDIENCE:

-Jim Thompson, 209 Nottinghill Lane, commented that the City put up signs along Duke Park so people will not park along the road, but the signs will not work as people will continue to park, and he suggested that maybe putting metal poles in the ditch along the road would be more helpful in prohibiting parking. He complimented removal of the traffic lights just out of the Square. Regarding Riverside Drive and moving the bike path, he asked how it is safer to take 8' from yards and establish a path and why the existing crossings are a safety concern. Mr. Titterington responded that if a recreation trail had not been established in front of the houses, a sidewalk would have been required that would have been an automatic walkway; having one crossing on Riverside Drive is safer than the two that now exist. In response to other questions of Mr. Thompson, Mr. Titterington advised that the sidewalk along Riverside Cemetery is not being removed.

-Lester Conard, 1210 S. Clay Street, suggested the City move one of the statues (part of the Troy Main Street Sculptures on the Square display) because it is close to a crosswalk and may confuse drivers.

There being no further business, Council adjourned at 7:45 p.m.

Clerk of Council

President of Council