

MINUTES OF COUNCIL

A regular session of Troy City Council was held Monday, July 16, 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: Patrick E. J. Titterington Director of Public Service and Safety  
John E. Frigge Auditor  
Grant D. Kerber Director of Law

MOMENT OF SILENCE: Mrs. Baker offered a moment of silence in memory of Firefighter Jason Holfinger, a firefighter who passed away on July 13, 2018.

Mrs. Baker also offered sympathy to Police Officer Chris Tilly on the death of his brother.

INVOCATION & PLEDGE OF ALLEGIANCE: An invocation was given by Mrs. Oda, followed by the Pledge of Allegiance.

PUBLIC HEARING:

At 7:05 pm, Mrs. Baker declared open a public hearing on O-32-2018, Rezoning of Parcel No. D08-104502, 1823 Peters Road, R-1, Single-Family Residential, to R-3, Single Family Residential District.

Speaking in favor of the rezoning:

-Bart Denlinger, Managing Partner and owner of the property, commented that the new owners will keep in mind the legacy of the property; the property is zoned R-1, but he believes persons interested in purchasing a lot would prefer developing under the R-3 zoning.

There being no further comments in this regard, at 7:05 p.m., Mrs. Baker declared this public hearing closed.

At 7:06 pm, Mrs. Baker declared open a public hearing on O-33-2018 Rezoning of IL 10797 on Washington Road from County Zoning of A-2, General Agriculture, to City Zoning of R-3, Single Family Residential District.

Speaking in favor of the rezoning. None.

Speaking opposing the rezoning:

- David Enneking ,1645 Washington Bend Court, stated he has questions about drainage; the map shows an open ditch but it has grown over and water backs up into back yards and towards the school; and he hopes there would be no damage to drainage tiles to make drainage worse; and he is interested in the access in and out of the properties.

- John Wilson, 1125 Washington Road, stated his property abuts the south side of development; he is concerned about the open ditch to side of property and the buffering of the property.

-Robert Brumbaugh stated he opposes the destruction of agricultural land; a proposed project off Troy-Piqua Road would put up over 300 houses and the infrastructure would be overwhelmed.

-Lester Conard, 1210 S. Clay Street, stated concern about loss of agricultural land; commented that there are not jobs for people who may move in.

There being no further comments in this regard, at 7:12 p.m., Mrs. Baker declared this public hearing closed.

MINUTES: The Clerk gave a summary of the minutes of the July 2, 2018, 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:

Recreation & Parks Committee: Mr. Heath, Chairman, reported that Committee recommends that notwithstanding legislation be prepared to permit temporary camping and a fire pit at Treasure Island Park overnight only on the dates of September 8-9, 2018 and only for those associated with the UD River Stewards Program.

Report signed by Oda, Terwilliger and Heath.

Discussion. Mr. Schweser asked about the number of fire pits and was advised there may be just one, but that all the fire pits would be subject to Fire Departments control.

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

1. Committee recommends legislation be prepared authorizing an increased authorization for the roadway paving by \$200,000, which would increase the 2018 Paving Program authorization to a not to exceed amount of \$1,032,000. As the paving contract has been awarded and the work schedule is being prepared, Committee supports emergency legislation.

- 2. Committee recommends legislation be prepared authorizing the Director of Public Service and Safety file an application for OPWC funds for the Riverside Drive Phase 3 Improvement Project and to execute any necessary agreements if the funding application is approved. As the application deadline is July 23, Committee supports emergency legislation.

Reports signed by Heath, Lutz and Phillips.

Utilities Committee: Mr. Terwilliger, Chairman, reported that Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to enter into the Upper Valley Medical Center (UVMC) Waterline Extension Loop Project Funding Agreement with the Board of Miami County Commissioners related to the waterline extension project, with the cost to the City of Troy not to exceed \$336,135. This will extend the City's waterline an additional 3,000 feet. As the County must file an application with OPWC by July 23, and the City's commitment is part of their application process, the Committee supports emergency legislation.

Report signed by Twiss, Lutz and Terwilliger.

Discussion.

-Mr. Severt asked about recouping the funds expended to sell water to the County. Mr. Titterington advised that the County will be billed for any water used; the purpose of the line is for UVMC to have a second feed to be used as needed; future connectors will pay a fee to connect; the City could tap in and go further north if the need arises; and an advantage for the City is to have more shovel ready land between the City and the DP&L substation south of the hospital.

Citizen Comments:

-Regarding R-33-2018, Lester Conard asked about the emergency clause if no work will be done for a year. Mr. Titterington explained that the emergency clause related to the deadline by which the County would need to submit a grant application for the project.

RESOLUTION NO. R-31-2018

RESOLUTION AMENDING RESOLUTION NO. R-13-2018, INCREASING THE AUTHORIZATION FOR THE 2018 PAVING PROGRAM, 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: Schweser, Lutz, Heath, Severt, Phillips, Kendall, Terwilliger, Oda and Twiss.

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-32-2018

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-33-2018

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AGREEMENT WITH THE BOARD OF MIAMI COUNTY COMMISSIONERS FOR THE UPPER VALLEY MEDICAL CENTER (UVMC) WATERLINE EXTENSION LOOP PROJECT FUNDING AGREEMENT AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

ORDINANCE NO. O-32-2018

ORDINANCE CHANGING THE ZONING OF PARCEL NO. D08-104502 AT 1823 PETERS ROAD IN THE CITY OF TROY, OHIO, FROM THE ZONING OF R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO THE ZONING OF R-3, SINGLE-FAMILY RESIDENTIAL DISTRICT

This Ordinance was given first title reading on July 2, 2018.  
Given public hearing and second title reading.

ORDINANCE NO. O-33-2018

ORDINANCE CHANGING THE ZONING OF INLOT 10797 ON WASHINGTON ROAD, A PARCEL OF 33.3712 ACRES IN THE CITY OF TROY, OHIO, FROM THE COUNTY ZONING OF A-2, GENERAL AGRICULTURE DISTRICT, TO THE CITY ZONING OF R-3, SINGLE-FAMILY RESIDENTIAL DISTRICT

This Ordinance was given first title reading on July 2, 2018.  
Given public hearing and second title reading.

ORDINANCE NO. O-34-2018

ORDINANCE AUTHORIZING THE USE OF AN AREA OF TREASURE ISLAND PARK FOR A 2018 UNIVERSITY OF DAYTON RIVER STEWARDS PROGRAM EVENT, NOTWITHSTANDING CONFLICTING PROVISIONS OF THE CODIFIED ORDINANCES OF THE CITY OF TROY, OHIO

This Ordinance was given first title reading.

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

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

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-35-2018

ORDINANCE CHANGING THE ZONING OF A 107.171 ACRE PARCEL THAT IS PART OF INLOT 9891 (PARCEL R50-005200) FROM A-R, AGRICULTURAL-RESIDENTIAL, AND OC-1, OFFICE-COMERCIAL DISTRICT, TO A PLANNED DEVELOPMENT

This Ordinance was given first title reading.

COMMENTS OF MEMBERS OF COUNCIL:

-Mr. Twiss thanked all the volunteers who worked at the Kids Triathlon (July 15), Cheryl Chaney who organizes the event, and Carrie Slater and the pool staff for their work for the event and the way in which they encourage the participants.

-Mrs. Oda asked if the application of the County will be impacted by waiting to vote on R-33-2018, with Mr. Titterington stating delaying will not be a problem.

-Mr. Severt thanked City staff for the assistance to the Troy Rotary Club for the 200<sup>th</sup> birthday concert held July 4. Mr. Severt also commented on the loss to the community with the death of Joe Klatter.

COMMENTS OF THE COUNCIL PRESIDENT:

Mrs. Baker thanked Troy Rotary Club for providing the July 4<sup>th</sup> concert.

COMMENTS OF THE STAFF:

-Chief Simmons thanked Council and the staff for the support to the Fire Department members and the family of Jason Holfinger (Troy Firefighter who died on July 13).

There being no further business, Council adjourned 7:38 pm.

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Clerk of Council

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President of Council