

MINUTES OF COUNCIL

A regular session of Troy City Council was held Monday, August 6, 2018, at 7:00 p.m. in Council Chambers.

Members Present: Heath, Kendall, Lutz, Oda, Phillips, Schweser, Severt and Terwilliger.
Upon motion of Mr. Phillips, seconded by Mr. Heath, Mr. Twiss 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
	Grant D. Kerber	Director of Law

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

PRESENTATION: On behalf of the City's recycling contractor, Rumpke of Ohio, Inc., Mayor Beamish presented Kimberly Shamblin with a Rumpke "Look Who Is Recycling" quarterly reward. Rumpke provides this program for City of Troy residents who actively participate in recycling. Ms. Shamblin received a gift bag provided by Rumpke of Ohio, Inc.

PUBLIC HEARING:

At 7:05 p.m., Mrs. Baker declared open a public hearing on Ordinance No. O-35-2018, changing zoning of a 107.171 acre parcel that is part of Inlot 9891 (Parcel R50-005200) from A-R and OC-1, to a Planned Development.

Speaking in favor of the rezoning:

-Frank Harlow, applicant, stated he supports the application to help support the Northeast section of Troy.

Speaking opposing the rezoning:

-Lester Conard, 1210 S. Clay Street, stated he opposes the rezoning as too much agriculture land is being lost, and Troy is growing in people but not jobs for the people.

-Rusty Miller, 311 Eldean Road, former member of the Miami East School District Board, commented that he opposes the rezoning as it will increase traffic on out-lying roads and will have a negative impact on the Miami East School District by adding students and overcrowding the school.

There being no further comments in this regard, at 7:10 p.m., Mrs. Baker declared this public hearing closed.

MINUTES: The Clerk gave a summary of the minutes of the July 16, 2018, meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mr. Heath, seconded by Mr. Phillips, these minutes were approved by unanimous roll call vote.

COMMITTEE REPORTS:

Buildings Committee: Mr. Lutz, 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 Police Department Heat Pump Replacement Project at a total cost not to exceed \$175,000.

Report signed by Oda, Phillips and Lutz.

Community & Economic Development Committee: Mr. Schweser, reported as follows:

1. Committee supports the recommendation of the Troy Planning Commission that parcel D08-104502 be rezoned from R-1, Single-Family Residential District, to R-3, Single-Family Residential District, and recommended that Council adopt Ordinance No. O-32-2018.
2. Committee supports the recommendation of the Troy Planning Commission that the parcel on Washington Road be rezoned from A-2, General-Agriculture District, to the City zoning of R-3, Single-Family Residential District, and recommended that Council adopt Ordinance No. O-33-2018.

Reports signed by Kendall and Schweser.

Finance Committee: Mr. Kendall, Chairman, reported that Committee supports the recommendation of the Loan Review Committee, and recommends that legislation be prepared approving a \$47,562 loan to Integrity Services AES, LLC, dba ReU Juicery, as meeting the intent of the Small Business Development Revolving Loan Program. Committee supports emergency legislation so that this loan can be closed without delay

Report signed by Schweser, Severt and Kendall.

Law & Ordinance Committee: Mr. Schweser, Chairman, reported that Committee recommends legislation be prepared to amend Section 749.11(o)(2) of the Sign Code regarding multi-tenant commercial properties to provide that should the calculated allowable sign area for an individual tenant in a multi-tenant building located in a zoning district other than the historic district be less than 25 square feet, then the individual tenant shall be entitled to 25 square feet of allowable sign area. This is recommended that based on the current wording a "last in" tenant may find that all the allowable sign area has been consumed by other tenants. Report signed by Phillips, Severt and Schweser.

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

1. Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to enter into a LPA Federal Local-Let Project Agreement with the Ohio Department of Transportation (ODOT) that will designate the City as the Local Public Agency (LPA), or the entity in charge of administering the West Main Street Corridor Improvements in State FY 2022.
2. Committee recommends the preliminary consent legislation provided by ODOT be approved for ODOT to perform a pavement overlay project on I-75 within the City limits in State FY 2020 (7-1-2019/6-30-2020) at no cost to the City of Troy. Based on the ODOT format the Committee supports emergency legislation.
3. Committee recommends the preliminary consent legislation provided by ODOT be approved for ODOT to perform repairs to the SR 55 bridge within the City limits in State FY 2020 (7-1-2019/6-30-2020) at no cost to the City. Based on the ODOT format, Committee supports emergency legislation.
4. Committee recommends legislation be prepared supporting the recommendation of the Troy Planning Commission for the vacation petition of Jackson Street, the alley between Jackson Street and Adams Street, and a keyhole portion of West Water Street, noting that the small portion of Water Street is being vacated so that Kettering Health Network (KHN) will have a connection between the properties on the north and south side of West Water Street owned by KHN. Committee again met (8-3-2018) to consider a request by Danis on behalf of KHN that the legislation be considered as an emergency measure based on the Kettering Troy Hospital project's need to meet their planned development revisions submittals, materials lead times, and project completion timelines.

Reports signed by Heath, Lutz and Phillips.

Citizen Comments:

-David Enneking, 1645 Washington Bend Court, regarding O-33-2018, stated his concerns about runoff, that ditches would be obstructed as part of the development of the land, that existing drainage tiles could be damaged, and asked about the form of buffers that would be used.

Mrs. Baker asked if Mr. Titterington could respond to the comments of Mr. Enneking about what the developer is required to do. He commented that the rezoning of a parcel is the first step, that no development plans have been received, when they are submitted staff will review them for compliance to strict guidelines and laws, and the comments of Mr. Enneking will be taken into consideration.

-Kelly Browning, 213 S. Short Street, asked if Water Street is being vacated and closed to traffic and asked about the location of the helicopter landing site for the Kettering Hospital and questioned if the nearby roadway would be safe for drivers when a helicopter is landing. Mr. Titterington commented that Water Street is not being closed and that the vacation of part of Water Street is a 25' cross cut, or "keyhole", to link the hospital properties on both sides of Water Street. Regarding the helicopter landing area, he advised that staff would be able to provide Mrs. Browning with a copy of the Planned Development map, and that the City has been advised that the hospital has received all needed FAA clearances for the use of the helicopter site.

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 on July 16, 2018.
Given second title reading.

RESOLUTION NO. R-34-2018

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 REPLACEMENT OF THE POLICE DEPARTMENT BUILDING HEAT PUMPS

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-35-2018

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO A LPA FEDERAL LOCAL-LET PROJECT AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-36-2018

A RESOLUTION AUTHORIZING CONSENT AND COOPERATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR PLACING AN OVERLAY ON INTERSTATE ROUTE 75 WITHIN THE RIGHT-OF-WAY OF THE CITY OF TROY, OHIO IN FY 2020 AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-37-2018

A RESOLUTION AUTHORIZING CONSENT AND COOPERATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR REPAIRS TO THE SR 55 BRIDGE WITHIN THE RIGHT-OF-WAY OF THE CITY OF TROY, OHIO IN FY 2020 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. Terwilliger.

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-38-2018

RESOLUTION APPROVING THE APPLICATION OF INTEGRITY SERVICES AES, LLC, DBA REU JUICERY FOR LOAN ASSISTANCE FROM THE SMALL BUSINESS DEVELOPMENT REVOLVING LOAN FUND AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

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

No: None.

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

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

No: None.

RESOLUTION ADOPTED

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 on July 16, 2018.
Given third title reading.

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

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

No: None.

ORDINANCE ADOPTED

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 on July 16, 2018.
Given third title reading.

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

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

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-COMMERCIAL DISTRICT, TO A PLANNED DEVLEOPMENT

This Ordinance was given first title reading on July 16, 2018.
Given public hearing and second title reading.

ORDINANCE NO. O-36-2018

AN ORDINANCE VACATING JACKSON STREET, AN IMPROVED PUBLIC ALLEY BETWEEN JACKSON STREET AND ADAMS STREET, AND A PORTION OF WEST WATER STREET IN THE CITY OF TROY, OHIO 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: Schweser, Heath, Phillips, Severt, Kendall, Lutz, Terwilliger and Oda.

No: None.

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

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

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-37-2018
AN ORDINANCE AMENDING SECTION 749.11 OF THE SIGN CODE OF 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: Phillips, Severt, Kendall, Lutz, Terwilliger, Oda, Schweser and Heath.

No: None.

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

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

No: None.

ORDINANCE ADOPTED

COMMENTS OF THE DIRECTOR OF PUBLIC SERVICE AND SAFETY.

Mr. Titterington commented that the paving program work has commenced with a number of streets being milled down in preparation of the new layer of asphalt being placed.

There being no further business, Council adjourned 7:42 pm.

Clerk of Council

President of Council