

MINUTES OF COUNCIL

A regular session of Troy City Council was held Monday, August 7, 2017, at 7:00 p.m. in Council Chambers.

Members Present: Heath, Kendall, Oda, Schweser, Snee, Terwilliger, Tremblay and Twiss  
Upon motion of Mr. Schweser, seconded by Mrs. Snee, Mr. Phillips 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: An invocation was given by Council Member Snee, followed by the Pledge of Allegiance.

MINUTES: The Clerk gave a summary of the minutes of the July 17, 2017 meeting of Troy City Council. There were no corrections or additions to these minutes. A motion was made by Mr. Kendall, seconded by Mr. Twiss, to approve these minutes. Motion passed by unanimous roll call vote.

COMMITTEE REPORTS:

Finance Committee: Mr. Kendall, Chairman, reported that Committee recommends legislation be prepared to modify a 2015 loan to Troy Community Works regarding the building at 1-3 E. Main Street to:

- Modify the funding to Troy Community Works to be a grant rather than a forgivable loan.
- Increase the funding from a total of \$850,000 to \$1,000,000.
- Release the mortgage as security is not required for a grant.

Committee supports emergency legislation so that the mortgage can be released and the financing phase can be completed as soon as possible.

Report signed by Schweser, Tremblay and Kendall.

Discussion. Mrs. Oda commented that the City is paying close to \$1 million for work on the building. Mr. Titterington explained that the funds are a grant from the CDBG Loan Fund to Troy Community Works (TCW) and TCW, by their bylaws, is required to reinvest the money back into the community.

-Mr. Kendall noted that the original project was a forgivable loan, but even showing this as a loan created a liability for TCW in securing commercial loans and showing the status as a grant will assist TCW in securing loans to fund the renovation. It was noted that there is a sufficient CDBG balance available and, as these are federal funds the intent is that the funds are used for qualifying projects and that the City not build up a large fund balance or the funds may be reallocated to another community.

Law & Ordinance Committee: Mr. Schweser, Chairman, reported that Committee recommends legislation be prepared to authorize the Director of Public Service and Safety to enter into an agreement with Pink Ribbon Girls related to an event on public property on October 6 and that the legislation include the standard notwithstanding legislation for such events. Based on the stated time frame for the Pink Ribbon Girls to confirm the event, Committee supports emergency legislation.

Report signed by Phillips, Snee and Schweser.

Discussion. Mr. Terwilliger asked about the terms of the agreement that would be worked out and restrictions for alcohol sales/consumption. Mr. Titterington commented that the terms would follow similar agreements and would include administrative details including timing, supplemental security, placement of barricades, etc. Regarding the sale of alcohol, certain Division of Liquor Control requirements must be followed, including fencing. It was noted that the Pink Ribbon Girls will be requiring identification prior to issuing wrist bands to attendees.

-In response to Mrs. Oda regarding the term notwithstanding and estimated attendance, Mr. Kerber stated that certain enforcements will be suspended during the event; it was stated that the estimated attendance is several thousand.

-In response to Mrs. Baker, it was stated that the beer sold by Pink Ribbon Girls will be in identifiable containers, other businesses with alcohol licenses must keep patrons from leaving with an open container, and Pink Ribbon Girls in based out of Miami County.

Personnel Committee: Mr. Terwilliger, Chairman, reported that Committee reviewed a restructuring of positions within the utilities operation that would better reflect the work done and not result in a cost increase or employees having lesser pay, and considered that the wage of the Street Foreman position should be adjusted to have parity with other foreman positions with similar responsibilities, scope of work, and staff supervised. Committee recommends:

- O-27-2016 be amended to reflect the restructuring of positions within the utility division.
- O-45-2015 be amended to establish the 2017 hourly wage for the position of Street Foreman at \$36.24 per hour.

So that the salaries adjustments are placed into effect without delay and to coincide with the next pay period, committee supports emergency legislation.

Report signed by Kendall, Twiss and Terwilliger.

Streets & Sidewalks Committee: Mr. Phillips, Chairman, reported that Committee recommends legislation be prepared to provide for an Assessment Equalization Board to meet on August 22, 2017, 6:30 P.M. at City Hall, to hear appeals filed on the estimated assessments of the sidewalk portion of the N. Market Street Improvement Project Phase II, and that the Board members be Rena L. Gumerlock, William G. Rozell and Roberta Z. Jacobs. Based on the date the AEB will be meeting, committee support emergency legislation.

Report signed by Heath, Snee and Phillips.

Discussion. In response to Mrs. Oda, it was stated that the ORC dictates how the AEB responds to appeals.

CITIZEN COMMENTS: None.

RESOLUTION NO. R-33-2017

RESOLUTION AMENDING THE LOAN TO TROY COMMUNITY WORKS! FOR ASSISTANCE FROM THE DOWNTOWN BUILDING REPAIR REVOLVING LOAN FUND AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

Yes: Kendall, Schweser, Snee, Twiss, Tremblay, Heath, Terwilliger and Oda.

No: None.

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

Yes: Schweser, Snee, Twiss, Tremblay, Heath, Terwilliger, Oda and Kendall.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-34-2017

RESOLUTION APPOINTING ASSESSMENT EQUALIZATION BOARD AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

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

Yes:

Yes: Snee, Twiss, Tremblay, Heath, Terwilliger, Oda, Kendall and Schweser.

No: None.

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

Yes: Twiss, Tremblay, Heath, Terwilliger, Oda, Kendall, Schweser and Snee.

No: None.

RESOLUTION ADOPTED

ORDINANCE NO. O-20-2017

ORDINANCE AUTHORIZING THE USE OF PUBLIC AREAS FOR THE PAINT THE TOWN PINK WITH PRG EVENT, NOTWITHSTANDING CONFLICTING PROVISIONS OF THE TROY CODIFIED ORDINANCES, AND FURTHER APPROVING THE USE OF AN AREA FOR THE SALE OF BEER 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 PINK RIBBON GIRLS, INC. THEREFOR 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. Snee.

Yes: Tremblay, Heath, Terwilliger, Oda, Kendall, Schweser, Snee and Twiss.

No: None.

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

Yes: Heath, Terwilliger, Oda, Kendall and Schweser, Snee and Tremblay.

No: Twiss.

ORDINANCE ADOPTED

ORDINANCE NO. O-21-2017

ORDINANCE AMENDING ORDINANCE NO. O-21-2016, FIXING SALARIES AND WAGES OF CERTAIN EMPLOYEES OF THE CITY OF TROY, OHIO 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. Snee.

Yes: Terwilliger, Oda, Kendall, Schweser, Snee, Twiss, Tremblay and Heath.

No: None.

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

Yes: Oda, Kendall, Schweser, Snee, Twiss, Tremblay, Heath and Terwilliger.

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-22-2017

ORDINANCE AMENDING ORDINANCE NO. O-45-2015, FIXING SALARIES AND WAGES OF CERTAIN EMPLOYEES OF 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. Twiss.

Yes: Kendall, Schweser, Snee, Twiss, Tremblay, Heath, Terwilliger and Oda.

No: None.

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

Yes: Schweser, Snee, Twiss, Tremblay, Heath, Terwilliger, Oda and Kendall.

No: None.

ORDINANCE ADOPTED

COMMENTS OF MAYOR BEAMISH: Mayor Beamish commented:

-Susan Westfall has been appointed to fill the unexpired term of Becky Pierce to the Board of Park Commissioners.

-The next concert by the Troy Civic Band will be August 13 at Treasure Island Park.

-On August 27, the Air Force Band of Flight will provide a concert at Treasure Island Park starting at 7:00 p.m.

COMMENTS OF THE DIRECTOR OF PUBLIC SERVICE AND SAFETY: Mr. Titterington noted that on August 12, a family movie will be shown on N. Cherry Street. He stated that this is part of the MKSK downtown/riverfront study and concepts, and is one of three activation events scheduled to be held on N. Cherry Street. Mr. Titterington commented that the full study is on the website, and that constructive comments are welcome.

COMMENTS OF DIRECTOR OF LAW: Mr. Kerber stated that the Miami County Prosecutors Office, using private funds, will provide a "Matching Grant" of up to \$2,000 for donations to the Miami County Recovery Council for the operation of Hope House, which is a location for person with opioid issues can detox to the point that they the person can receive other medication to help him/her recover.

COMMENTS OF THE PRESIDENT OF COUNCIL: Mrs. Baker noted that the 25<sup>th</sup> annual Mayors Concert will be held August 20.

-Mrs. Baker asked about the criteria to judge the success of the Water Street bike lane. Mr. Titterington stated that counters are being used on Water Street and at other locations and are being used on a regular basis; the alternative parking spaces established on and near Water Street are being used, and noted that the bike lanes are to keep cyclists off the same lanes as vehicles and are not intended to slow motorists. He indicated the review of the data will be subjective as well as objective. Mrs. Baker asked about detour routes when the square is closed and if Water Street is used that there does not seem to be sufficient room now for two semi-trucks to pass. Mr. Titterington stated that the detours vary depending on the event causing the closing, and while Water Street may be used, the detour is often Franklin Street. Mrs. Baker said it does not seem that large trucks will be able to pass on Water Street with the bike lane using part of the roadway.

-Mrs. Baker asked if the Ford Explorer cruisers are a concern for the City in view of national news reports of possible carbon monoxide seeping into such vehicles. Mr. Titterington replied that the City uses those vehicles in other departments as well and testing equipment is being used, although there does not appear to be an issue.

## COMMENTS OF MEMBERS OF COUNCIL:

- Mr. Heath commented that the annual Festival of Nations will be held August 19, with food and entertainment from several countries available.
- Mr. Kendall commented that the "Be the Match" Walk and Run event will be held August 26 at Treasure Island Park.
- Mr. Terwilliger noted that Be the Match events are usually held in much larger communities and it is held in Troy due to the efforts and involvement of Mr. Kendall and his family.
- Mrs. Oda mentioned that the bowl of the existing water tower on the west side of town is discolored. Mr. Titterington advised that such discoloring is usual and will be addressed in the annual inspection next year, and does not affect the water supply in any way.

## CITIZEN COMMENTS:

- Jack Reddy, 1150 Crestview Drive, stated his concerns about drug issues and how the City is addressing those. Mayor Beamish responded that the opioid epidemic is not just a local issue, and that Troy has been very proactive and has worked towards intervention, prevention and education through combined efforts with safety departments, prosecutors, and faith based organizations to form a coalition to work on the issue.
- Kent Frauenberger, 320 W. Franklin Street, on behalf of Troy Community Works thanked the City for the action on R-33-2017. He also thanked Mrs. Oda for the information she provides via social media.
- Lester Conard, 1210 S. Clay Street, asked about the paving program, and was advised it should start later this month.
  
- Kenneth Tebbe, 1580 Cheshire Road, provided questions regarding the Water Street bike lane, including how success of the lane will be determined, the basis of information he read in the study that establishing lanes increase bike traffic by 850%, why Council does not approve such lane markings, and if the lane aligns with the Comprehensive Plan. Mr. Titterington replied that bike lane data is collected nationally; the Water Street bike lane is the safest and quickest way to make a connection between the bike paths on the north side of the river and the downtown without expending a great deal of money; the City will do counts on the lane and is watching the parking spaces that have been relocated off Water Street; the marking of lanes is an administrative decision; the lane does align with the Comprehensive Plan; and there are other aspects of the study that are recommendations that would require other approval processes and it is not known what aspects may be determined for implementation.
- Mickey Hammer, 1160 Red Maple Drive, spoke about flooding experienced in his neighborhood, stated it does not seem that the grades are appropriate, the City was contacted after the event, but the residents would like a response. Mr. Hammer suggested a moratorium on development in the area until this is resolved.
- Laurie Jackson, 2322 Larksbur Drive, spoke about the same flooding mentioned by Mr. Hammer, and asked for responses from the City as to how this will be resolved. She further stated she believes the intersection of McKaig Road/SR 718/Washington Road is dangerous.
- Doug Schroeder, 1323 Larksburg Drive, stated he concurred with the comments of his neighbors.
- Lester Conard, 1210 S. Clay Street, said this flooding is not a new issue with the subdivision. Mr. Titterington advised that when the City was advised of the flooding, the City immediately contacted the developer's engineers and those engineers are re-evaluating the calculations and doing an analysis to see that all connections were made the right way and looking at all aspects, the City is in discussions with the developer and the engineer of the developer, but there is no information that can be provided until all the research and evaluation is complete. In regard to a moratorium, he commented he did not believe that could legally be done.

There being no further business, Council adjourned at 8:12 p.m.

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Clerk of Council

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President of Council