NOTICE OF SPECIAL MEETING
OF THE
CITY COUNCIL

Mr. Allen, Mr. Phillips, Mr. Rozell, Mr. Schilling, Mr. Schweser,
Mr. Severt, Mrs. Snee, Mr. Terwilliger, Mr. Twiss, Mr. Lutz

You are hereby notified that there will be a special meeting of the City Council of The City of Troy, Ohio, at the Council Chamber in said city, on MONDAY the 30th day of MARCH, 2020 at ***3:45 PM.*** *for the purpose of* holding an Executive Session; considering R-22-2020 (Authorize procedures under state of emergency, emergency legislation); R-23-2020 (cancel 4-6-2020 Council meeting, emergency legislation); R-24-2020 (participate in ODOT salt contract, emergency legislation); R-25-2020 (increase authorization for Parkson Screen Project, emergency legislation); R-26-2020 (defer loan payments to loan programs, emergency legislation); R-27-2020 (MOU with IAFF, emergency legislation); O-13-2020 (declare park parcel as surplus); O-21-2020 (Amend CO Chapter 717, emergency legislation); O-22-2020 (establish Employee Creation Incentive Program, emergency legislation); and O-23-2020 (amend IAFF Salary Ordinance, emergency legislation).

This meeting is called by Council President Lutz pursuant to Rule XXV of the Troy City Council Rules for procedure.

Signed by us as duly elected and qualified members of the City Council of the City of Troy, Ohio, this _____ day of March, 2020.

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TROY
OHIO

AGENDA, TROY CITY COUNCIL
SPECIAL MEETING
MONDAY, MARCH 30, 2020, 3:45 P.M.
COUNCIL CHAMBERS, CITY HALL

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL excuses motion/second/roll call vote

READING AND SIGNING OF NOTICE OF SPECIAL MEETING OF TROY CITY COUNCIL: (Stating that the meeting has been called by Council President Lutz to consider the items on this agenda.)

EXECUTIVE SESSION Recess into Executive Session to:

A. Confer with legal counsel regarding pending or imminent litigation.

B. Discussion of preparing for, conducting or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment. motion/second/roll call vote

RETURN TO REGULAR SESSION motion/second/roll call vote

SUMMARY OF MINUTES March 16, 2020 Meeting motion/second/roll call vote

COMMITTEE REPORTS

Citizen comments on committee reports or agenda items – two minute limit

RESOLUTIONS

R-22-2020	Authorize procedures under state of emergency	EMERGENCY	1st Reading
R-23-2020	Cancel 4-6-2020 Council Meeting	EMERGENCY	1st Reading
R-24-2020	Participate in ODOT Winter Salt Contract	EMERGENCY	1st Reading
R-25-2020	Increase authorization to $115,000, Parkson Screen Rebuilding Project at WWTP	EMERGENCY	1st Reading
R-26-2020	Defer Loan Payments re loans from CDBG and Revolving Loan Fund programs	EMERGENCY	1st Reading
R-27-2020	Authorize Signing Memorandum of Understanding with IAFF	EMERGENCY	1st Reading

ORDINANCES

O-13-2020	Declare surplus/authorize sale of approximately 1/10 ac of Archer Park (rear of 636 Shaftsbury Rd.)		3rd Reading
O-21-2020	Amend Ord. Chapter 717, use of Public Sidewalks, outdoor furnishings in downtown	EMERGENCY	1st Reading
O-22-2020	Employee Creation Incentive Program	EMERGENCY	1st Reading
O-23-2020	Amend Salary Ordinance for IAFF	EMERGENCY	1st Reading

ADJOURN

NOTE: Committee meetings may take place prior to or following Council meeting

CITY OF TROY MISSION STATEMENT:

Through sound and prudent leadership, the City of Troy is committed to sustaining its continued prominence as a regional hub by providing a well-balanced community for its residents, businesses and visitors, consisting of a vibrant downtown, growing economic base, strong educational environment, and plentiful recreational opportunities strengthened by public/private cooperation and grounded in financial stability.

DISPOSITION OF ORDINANCES AND RESOLUTIONS

SPECIAL COUNCIL MEETING

Date of Meeting: Mar 30, 2020

DESCRIPTION	RESOLUTION NO.	1ST READING	2ND READING	3RD READING	PUBLIC HEARING	SUSPENSION	ADOPTION
Emergency provisions under COVID-19	R-22-2020						
Cancel 4-6-2020 Council Meeting	R-23-2020						
ODOT Salt contract	R-24-2020						
Increase authorization Parkson Screen Project	R-25-2020						
Extend loan payments to 8-1 for CDBG and RLF Loans	R-26-2020						
MOU - IAFF	R-27-2020						
	ORDINANCE NO.						
Declare surplus/sell approx 1/10 AC in Archer Pk	O-13-2020	3/2/2020	3/16/2020				
Amend Chapter 717 Use of Public Sidewalks	O-21-2020						
Employee Creation Incentive Program	O-22-2020						
Amend IAFF salary ord	O-23-2020						

March 16, 2020

MINUTES OF COUNCIL

A regular session of Troy City Council was held Monday, March 16, 2020, at 7:00 p.m. in Council Chambers.

Members Present:	Allen, Phillips, Rozell, Schilling, Schweser, Severt, Snee, Terwilliger and Twiss.	
Presiding Officer:	William Lutz	President of Council
Others Present:	Robin I. Oda	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 Council Member Severt, followed by the Pledge of Allegiance.

PRESENTATION: On behalf of Rumpke of Ohio, Inc., Mayor Oda and Street Foreman Jerry Mullins recognized Jeanine Hall and her family of Thornhill Drive for being named the recipient of the Rumpke "Look Who Is Recycling" quarterly reward program for City of Troy residents who actively participate in recycling. The Mayor read from the letter submitted by Mrs. Hall regarding why her family recycles, which stated that her young daughters have learned the importance of recycling.

MINUTES: The Clerk gave a summary of the minutes of the March 2, 2020, meeting of Troy City Council. There were no corrections or additions to these minutes. Upon motion of Mr. Phillips, seconded by Mr. Terwilliger, these minutes were approved by unanimous roll call vote.

COMMITTEE REPORTS:
Buildings & Utilities Committee: Mr. Allen, Chairman, reported that Committee recommends legislation be prepared to approve the Reserve at Washington Subdivision Section One Replat for the dedication of additional storm and drainage easements at Inlots 10951 and 10952.
Report signed by Terwilliger, Twiss and Allen.

Community & Economic Development Committee: Mrs. Snee, Chairman, reported as follows:

1. Committee recommends Resolution No. R-16-2020 be adopted, approving the application of Scherre H. Mumpower to continue to have 25.15 acres of land on Lytle Road in an Agricultural District.
2. Committee recommends Ordinance No. O-8-2020 be adopted, approving an amendment to the General Plan of the Halifax Villas Planned Development, with the amendment to relocate the clubhouse, expand the boundary of the PD by adding an additional 8.015 acres, and rezone the additional acres to a Residential Planned Development.

Reports signed by Rozell, Twiss and Snee.

Finance Committee: Mr. Schweser, Chairman, reported that Committee recommends legislation be prepared accepting the recommendation of the TIRC, that the five current Enterprise Zone Agreements be continued and that the Troy Towne Park TIF be continued. In that the City must file an annual report with the Ohio Development Services Agency by the end of March regarding the continuance of the Agreements and the TIF, the Committee supports emergency legislation.
Report signed by Phillips, Severt and Schweser.

Recreation & Parks Committee: Mr. Schilling, Chairman, reported as follows:

1. Regarding Ordinance No. O-13-2020 (declaring as surplus a small parcel of Archer Park to the rear of 636 Shaftsbury Drive), Committee asks that the Board of Park Commissioners responds to questions that will be forwarded by Committee, after which he Committee will reconvene to forward a recommendation to Council regarding declaring the property surplus.
2. Committee recommends that legislation be prepared authorizing the Board of Park Commissioners to enter into a Letter of Agreement with the Great Ohio Bicycle Adventure (GOBA) regarding the 2020 stay in Troy by GOBA participants.

Reports signed by Phillips,Terwilliger and Schilling.
Discussion.
Mr. Rozell asked if the Committee believes the Park Board will change the recommendation regarding declaring the parcel surplus, with Mr. Schilling stating he hopes the Board will consider the recommendation and the process. Mr. Titterington commented that the Park Board has been asked to respond to questions provided by the Committee and to confirm or amend the recommendation that has been made, and also consider if property to the rear of neighboring lots should be recommended as surplus to more even out lot boundaries.

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 professional services agreement with Choice One Engineering Corporation for the design of the Riverside Drive Improvement Project, Phases 3 and 4, at a cost not to exceed $275,000.
2. It is the recommendation of this Committee that legislation be prepared authorizing the Director of Public Service & Safety to enter into a funding agreement with the Dayton Power & Light Company for the relocation of some utility poles and wires along West Main Street from the CSX Spur Railroad to Weston Road and nearby areas at a cost not to exceed $1,000,000, and to authorize the Board of Park Commissioners to execute easements associated with the relocation project within the area of the Joe Reardon Skatepark.

Reports signed by Schilling, Snee and Phillips.

Discussion. In response to Mr. Schweser regarding the number of trees that may need to be removed for the pole and line removal by DP&L, it was stated that the number will not be known until the design is final, but removal will be mitigated to the extent possible and, where possible, trees will be replanted.

CITIZEN COMMENTS ON AGENDA ITEMS:

-Christina Shaffer, 636 Shaftsbury, the property owner who requested that a parcel behind her property be declared surplus, asked for clarification about the process. Mr. Schilling stated that the Committee will determine if any land will be declared surplus or even if the Committee recommended the boundary would be normalized with adjacent parcels declared surplus and offered for sale. Ms. Shaffer commented if other parcels were declared surplus, one person could purchase all of them. Mr. Phillips commented that any sale of land has to be by public bid and anyone can bid; but the subject is now back with the Park Board prior to the Committee again meeting and providing a recommendation.

RESOLUTION NO. R-16-2020

RESOLUTION APPROVING APPLICATION OF SCHERRE H. MUMPOWER TO PLACE LAND IN AGRICULTURAL DISTRICT

This Resolution was given Public Hearing and first title reading on March 2, 2020.
Given second title reading.

Mr. Rozell moved for suspension of rules requiring three readings. Motion seconded by Mr. Schweser.
Yes: Severt, Rozell, Twiss, Phillips, Schweser, Terwilliger, Schilling, Snee and Allen.
No: None.
Mr. Schweser moved for adoption. Motion seconded by Mr. Severt.
Yes: Rozell, Twiss, Phillips, Schweser, Terwilliger, Schilling, Snee, Allen and Severt.
No: None. RESOLUTION ADOPTED

RESOLUTION NO. R-17-2020

RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW COUNCIL AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

Mr. Severt moved for suspension of rules requiring three readings. Motion seconded by Mr. Schilling.
Yes: Twiss, Phillips, Schweser, Terwilliger, Schilling, Snee, Allen, Severt and Rozell.
No: None.
Mr. Schweser moved for adoption. Motion seconded by Mr. Terwilliger.
Yes: Phillips, Schweser, Terwilliger, Schilling, Snee, Allen, Severt, Rozell and Twiss.
No: None. RESOLUTION ADOPTED

RESOLUTION NO. R-18-2020

RESOLUTION ACCEPTING THE RECOMMENDATION OF THE TAX INCENTIVE REVIEW COUNCIL FOR THE TROY TOWNE PARK TIF AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

Mr. Schilling moved for suspension of rules requiring three readings. Motion seconded by Mrs. Snee.
Yes: Schweser, Terwilliger, Schilling, Snee, Allen, Severt, Rozell, Twiss and Phillips.
No: None.
Mr. Schweser moved for adoption. Motion seconded by Mr. Rozell.
Yes: Terwilliger, Schilling, Snee, Allen, Severt, Rozell, Twiss, Phillips and Schweser.
No: None. RESOLUTION ADOPTED

RESOLUTION NO. R-19-2020

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AGREEMENT WITH CHOICE ONE ENGINEERING CORPORATION OF SIDNEY, OHIO FOR THE DESIGN OF THE RIVERSIDE DRIVE IMPROVEMENT PROJECT PHASES 3 AND 4

This Resolution was given first title reading.

Mr. Phillips moved for suspension of rules requiring three readings. Motion seconded by Mr. Schilling.
Yes: Schilling, Snee, Allen, Severt, Rozell, Twiss, Phillips, Schweser and Terwilliger.
No: None.
Mr. Schweser moved for adoption. Motion seconded by Mr. Severt.
Yes: Snee, Allen, Severt, Rozell, Twiss, Phillips, Schweser, Terwilliger and Schilling.
No: None. RESOLUTION ADOPTED

RESOLUTION NO. R-20-2020

RESOLUTION AUTHORIZING THE BOARD OF PARK COMMISSIONERS OF THE CITY OF TROY, OHIO TO ENTER INTO A LETTER OF AGREEMENT WITH THE GREAT OHIO BICYCLE ADVENTURE (GOBA) RELATED TO THE USE OF CERTAIN PUBLIC PROPERTY DURING THE JUNE 24 – 27, 2020 GOBA VISIT TO TROY, OHIO

This Resolution was given first title reading.

Mr. Schilling moved for suspension of rules requiring three readings. Motion seconded by Mr. Terwilliger.
Yes: Allen, Severt, Rozell, Twiss, Phillips, Schweser, Terwilliger, Schilling and Snee.
No: None.
Mr. Phillips moved for adoption. Motion seconded by Mr. Rozell.
Yes: Severt, Rozell, Twiss, Phillips, Schweser, Terwilliger, Schilling, Snee and Allen.
No: None. RESOLUTION ADOPTED

RESOLUTION NO. R-21-2020

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO A FUNDING AGREEMENT WITH THE DAYTON POWER & LIGHT COMPANY REGARDING THE RELOCATION OF CERTAIN UTILITY POLES AND WIRES IN AN AREA OF THE CITY OF TROY, OHIO

This Resolution was given first title reading.

Mr. Schilling moved for suspension of rules requiring three readings. Motion seconded by Mr. Schweser.
Yes: Rozell, Twiss, Phillips, Schweser, Terwilliger, Schilling, Snee, Allen and Severt.
No: None.
Mr. Schweser moved for adoption. Motion seconded by Mr. Rozell.
Yes: Twiss, Phillips, Schweser, Terwilliger, Schilling, Snee, Allen, Severt and Rozell.
No: None. RESOLUTION ADOPTED

ORDINANCE NO. O-8-2020

ORDINANCE AMENDING THE GENERAL PLAN OF THE HALIFAX VILLAS PLANNED DEVELOPMENT (PD-R) IN THE CITY OF TROY, OHIO AND REZONING AN 8.015 ACRE PARCEL ADDED TO THE HALIFAX VILLAS PLANNED DEVELOPMENT AS A PART OF THE AMENDED GENERAL PLAN, FROM A-R, AGRICULTURAL RESIDENTIAL ZONING DISTRICT, TO A RESIDENTIAL PLANNED DEVLEOPMENT

This Ordinance was given first title reading on February 18, 2020.
Given Public Hearing and second title reading on March 2, 2020.
Given third title reading.

Mrs. Snee moved for adoption. Motion seconded by Mr. Rozell.
Yes: Phillips, Schweser, Terwilliger, Schilling, Snee, Allen, Severt, Rozell and Twiss.
No: None. ORDINANCE ADOPTED

ORDINANCE O-13-2020

ORDINANCE DECLARING MUNICIPALLY OWNED REAL PROPERTY AS NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND AUTHORIZING THE SALE OF SUCH EXCESS PROPERTY

This Ordinance was given first title reading on March 2, 2020.
Given second title reading.

ORDINANCE NO. O-19-2020

APPROVING AND ACCEPTING THE REPLAT OF INLOTS 10951 AND 10952 FOR THE DEDICATION OF ADDITIONAL EASEMENTS FOR STORM SEWER AND DRAINAGE IN THE RESERVE AT WASHINGTON, SECTION ONE SUBDIVISION IN THE CITY OF TROY, OHIO

This Ordinance was given first title reading.

Mr. Schweser moved for suspension of rules requiring three readings. Motion seconded by Mrs. Snee.
Yes: Schweser, Terwilliger, Schilling, Snee, Allen, Severt, Rozell, Twiss and Phillips.
No: None.
Mr. Schweser moved for adoption. Motion seconded by Mr. Phillips.
Yes: Terwilliger, Schilling, Snee, Allen, Severt, Rozell, Twiss, Phillips and Schweser.
No: None. ORDINANCE ADOPTED

ORDINANCE NO. O-20-2020

ORDINANCE AUTHORIZING THE BOARD OF PARK COMMISSIONERS OF THE CITY OF TROY, OHIO TO EXECUTE EASEMENTS WITH THE DAYTON POWER & LIGHT COMPANY FOR THE RELOCATION OF UTILITY POLES AND WIRES THROUGH THE JOE REARDON SKATEPARK IN THE CITY OF TROY, OHIO

This Ordinance was given first title reading.

Mrs. Snee moved for suspension of rules requiring three readings. Motion seconded by Mr. Phillips.
Yes: Schilling, Snee, Allen, Severt, Rozell, Twiss, Phillips, Schweser and Terwilliger.
No: None.
Mr. Phillips moved for adoption. Motion seconded by Mrs. Snee.
Yes: Snee, Allen, Severt, Rozell, Twiss, Phillips, Schweser, Terwilliger and Schilling.
No: None. ORDINANCE ADOPTED

COMMENTS OF MAYOR ODA:
Mayor Oda commented that the last few days have been challenging (as the City and Nation responds to the COVID-19 virus, concern for the safety of the citizens, and responding to Federal and State orders regarding closings and other regulations). She stated that City Hall remains open at this time. She encouraged residents to not panic and live as normally as possible, comply with all requirements, to take care of their own health, and to take care of neighbors.

COMMENTS OF DIRECTOR OF PUBLIC SERVICE AND SAFETY:
-Mr. Titterington announced that the annual Spring cleanup will be held April 13-17, pending any changes, with brush regulations relaxed for that week only.
-Regarding COVID-19, Mr. Titterington stated the City is monitoring the situation as it continues to evolve, residents are asked not to come into City Hall if they do not need to, and there are avenues to pay utility bills and make applications online to minimize coming into City Hall. He commented that the Hobart Arena is closed except for one access for reimbursements and the Shoreline at Miami Shores is closed.

COMMENTS OF MEMBERS OF COUNCIL:
-Mr. Phillips commented that physicians are asking that patients not be accompanied for medical appointments unless necessary, and encouraged citizens to not expose others to COVID-19 in order to flatten the curve of exposure to the virus.
-Mrs. Snee stated that while schools have been closed due to COVID-19, schools are open from 11:30 a.m. – 12:30 p.m. for those students that need to, to be handed lunch bags.

COMMENTS OF AUDIENCE MEMBERS:
-Anne McDonough, 700 Governors Road, stated she would also like to purchase park property behind her house and asked of the process. She was advised that the current matter before Council is only that behind 636 Shaftsbury, and her request can be addressed once the current matter has been processed.

There being no further business, the meeting adjourned at 7:45 pm.

Clerk of Council

President of Council

COMMITTEE REPORT
TROY CITY COUNCIL

TO: Mr. Lutz, President of Council DATE: March 23, 2020

FROM: Committee of the Whole

SUBJECT: AUTHORIZING EMERGENCY PROCEDURES UNDER COVID-19 STATE OF EMERGENCY

SUMMARY REPORT: *(To be read at Council meeting)*
All members of Council met as a Committee of the Whole on March 23 to consider legislation regarding certain emergency procedures under the current state of emergency related to the COVID-19 national pandemic. This would include allowing remote meetings by Council and City boards and commissions which can be remotely accessed by the public.

RECOMMENDATION: *(To be read at Council meeting)*
It is the recommendation of the Committee of the Whole that legislation be prepared authorizing certain procedures during the state of emergency in response to the COVID-19 pandemic, with the legislation presented as an emergency measure. We further support emergency legislation cancelling the April 6 meeting of Troy City Council.

Respectfully submitted,

Zachary L. Allen	Bobby W. Phillips	William G. Rozell
Jeffrey A. Schilling	John W. Schweser	Todd D. Severt
Lynne B. Snee	John L. Terwilliger	William C. Twiss

DETAILED REPORT:
All members of Council met as a Committee of the Whole on March 23, 2020, to consider legislation regarding certain emergency procedures to be established under the current state of emergency due to the COVID-19 national pandemic. The meeting was also attended by Mayor Oda, Council President Lutz, the Director of Law, the Director of Public Service and Safety, and members of the City staff.

To assure that governmental services continue to the fullest extent possible during the state of emergency that has currently been declared, the Director of Law recommended that Council enact legislation to provide for continued governance of the City. This includes establishing remote meetings of Council, and City boards and commissions that would include remote access by the public so that contact is limited to assist in protecting the health and well-being of all involved. We also considered cancelling the April 6 meeting of City Council under those emergency procedures.

RECOMMENDATION:
It is the recommendation of the Committee of the Whole that legislation be prepared authorizing certain procedures during the state of emergency in response to the COVID-19 pandemic, with the legislation presented as an emergency measure. We further support emergency legislation cancelling the April 6 meeting of Troy City Council.

cc: Council, Mayor, Mr. Kerber, Mr. Frigge, Mr. Titterington, Clerk, file, staff

COMMITTEE REPORT
TROY CITY COUNCIL

TO: Mr. Lutz, President of Council DATE: March 23, 2020

FROM: Buildings & Utilities Committee

SUBJECT: Increased Authorization – Rebuilding of Parkson Screen #2 at the Wastewater Treatment Plant

SUMMARY REPORT: *(To be read at Council meeting)*
This Committee met on March 23 to consider the request for an increased authorization to rebuild Parkson Screen #2 at the Wastewater Treatment Plant. Both bids exceeded the $100,000 authorized with the low bid being $109,700.

RECOMMENDATION: *(To be read at Council meeting)*
It is the recommendation of this Committee that legislation be prepared authorizing the Director of Public Service and Safety to enter into a contract for the rebuilding of Parkson Screen #2 at the Wastewater Treatment Plant at a cost not to exceed $115,000, which includes contingency funds. So that a contract with the low bidder can be executed, Committee supports emergency legislation.

Respectfully submitted,

John L. Terwilliger

William C. Twiss

Zachary L. Allen, Chairman
Buildings & Utilities Committee

DETAILED REPORT:
This Committee met on March 23, 2020, to consider recommending an increased authorization for the replacement of Parkson Screen #2 at the Wastewater Treatment Plant. The meeting was also attended by Mayor Oda, Council President Lutz, Council Members Phillips, Rozell, Schilling, Schweser, Severt and Snee, the City Auditor, the Director of Law, the Director of Public Service and Safety, and members of the City staff.

Council authorized bidding this project at a cost not to exceed $100,000. Two bids were received, both over the authorization. As a majority of both bids was for materials, rebidding would not result in lower bids. The low bid was $109,700 As a majority the bids is for materials, rebidding would not result in lower bids. Staff requested that the project authorization be increased to $115,000, which would allow a nominal 5% contingency. There is a sufficient fund balance in the Sewer Fund for the additional cost.

RECOMMENDATION:
It is the recommendation of this Committee that legislation be prepared authorizing the Director of Public Service and Safety to enter into a contract for the rebuilding of Parkson Screen #2 at the Wastewater Treatment Plant at a cost not to exceed $115,000. So that a contract with the low bidder can be executed, Committee supports emergency legislation.

cc: Council, Mayor, Mr. Kerber, Mr. Frigge, Mr. Titterington, Clerk, file, staff

COMMITTEE REPORT
TROY CITY COUNCIL

TO: Mr. Lutz, President of Council DATE: March 23, 2020

FROM: Finance Committee

SUBJECT: ODOT COOPERATIVE PURCHASING FOR ROAD SALT

SUMMARY: (*to be read at Council meeting*)
On March 23 this Committee met to consider authorizing the City to participate in the bid of the Ohio Department of Transportation (ODOT) for road salt. To be included, specific legislation must be enacted and presented to ODOT no later than April 24 so that ODOT is aware of the quantities to be included in their bid.

RECOMMENDATION: (*to be read at Council meeting*)
It is the recommendation of this Committee that legislation be prepared authorizing the City of Troy to participate in the ODOT cooperative purchasing program for the purchase of road salt. Based on the date established by ODOT to be included in the ODOT program, we support this item as emergency legislation.

Respectfully submitted,

Bobby W. Phillips

Todd D. Severt

John W. Schweser, Chairman
Finance Committee

DETAILED REPORT:
On March 23, 2020, this Committee met to consider authorizing the City to participate in bids of the Ohio Department of Transportation (ODOT) for road salt. The meeting was also attended by Mayor Oda, Council President Lutz, the Director of Law, Council Members Allen, Rozell, Schilling, Snee, Terwilliger and Twiss, the City Auditor, the Director of Public Service and Safety and members of the City staff.

Since 2015, the City has participated in the road salt bid of ODOT. Depending on pricing, the City may also purchase salt through the purchasing cooperative known as SWOP4G. Participation in both bidding programs permits the City to potentially partner with the purchasing power of both to assure that Troy's salt quantity needs are met and at the best possible price. The City has approximately 1,150 tons of salt on hand. The request to ODOT is for 600 tons. To be included in the ODOT bid, specific legislation must be enacted and presented to ODOT no later than April 24 so that ODOT is aware of the quantities to be included in their bid.

RECOMMENDATION:
It is the recommendation of this Committee that legislation be prepared authorizing the City of Troy to participate in the ODOT cooperative purchasing program for the purchase of road salt. Based on the date established by ODOT to be included in the ODOT program, we support this item as emergency legislation.

cc: Council, Mayor, Director of Law, Auditor, Clerk, Director of Public Service and Safety, staff, media

COMMITTEE REPORT
TROY CITY COUNCIL

TO: Mr. Lutz, President of Council DATE: March 23, 2020

FROM: Finance Committee

SUBJECT: DEFERMENT OF SMALL BUSINESS DEVELOPMENT LOAN AND COMMUNITY DEVELOPMENT BLOCK GRANT LOAN PAYMENTS

SUMMARY: (*to be read at Council meeting*)
On March 23 this Committee met to consider authorizing the City to offer a deferral of loan payments to help ease the burden placed on local businesses as a result of the national pandemic of the COVID-19. The City has granted 29 loans to local businesses.

RECOMMENDATION: (*to be read at Council meeting*)
This Committee concurs that a three-month extension is a way to support local businesses at this time. It is the recommendation of this Committee that legislation be prepared authorizing the City to offer to Small Business Development (SBD) and Community Development Block Grant (CDBG) loan holders a three-month deferral to no later than August 1, 2020 on loan payments of principal and interest with no compounded penalties based on the borrower's request, and authorizing the Director of Public Service and Safety to execute any required documents with the loan holders. This Committee supports emergency legislation so that the deferral process can commence without delay to assist the loan holders.

Respectfully submitted,

Bobby W. Phillips

Todd D. Severt

John W. Schweser, Chairman
Finance Committee

DETAILED REPORT:
On March 23, 2020, this Committee met to consider allowing a three-month deferral to no later than August 1, 2020 on loan payments of principal and interest with no compounded penalties to Small Business Development (SBD) and Community Development Block Grant (CDBG) loan holders based on the borrower's request. The meeting was also attended by Mayor Oda, Council President Lutz, Council Members Allen, Rozell, Schilling, Snee, Terwilliger and Twiss, the Director of Law, the City Auditor, the Director of Public Service and Safety, and members of the City staff.

To slow the transmission of COVID-19, the State ordered that all Ohio bars and restaurants were to close on March 15. Subsequent orders were issued that impacted other businesses. The City has granted 29 loans to local businesses that are being impacted. All 29 loans are current in meeting the loan terms and conditions. In order to minimize the effect of the ODH Director's Orders on these businesses, we considered a recommendation of City staff that there be a three-month deferral on loan payments of principal and interest, with no compounded penalties, no later than August 1, 2020. A three-month deferral of payments will help ease the burden placed on our local businesses as a result of the national pandemic of the COVID-19. The holders of the loans will be required to formally request the deferral. Upon request, the affected Loan Agreements will be extended to allow for three additional monthly installment payments of principal and interest to become due after the current final payment date of each as specified in the current individual Loan Agreements.

RECOMMENDATION:
This Committee concurs that the three-month extension is a way to support local businesses at this time. It is the recommendation of this Committee that legislation be prepared authorizing the City to offer to Small Business Development (SBD) and Community Development Block Grant (CDBG) loan holders a three-month deferral to no later than August 1, 2020 on loan payments of principal and interest with no compounded penalties, based on the borrower's request, and authorizing the Director of Public Service and Safety to execute any required documents with the loan holders. This Committee supports emergency legislation so that the deferral process can commence without delay to assist the loan holders.

cc: Council, Mayor, Director of Law, Auditor, Clerk, Director of Public Service and Safety, staff, media

COMMITTEE REPORT
TROY CITY COUNCIL

TO: Mr. Lutz, President of Council DATE: March 23, 2020

FROM: Finance Committee

SUBJECT: ESTABLISHING AN EMPLOYEE CREATION INCENTIVE PROGRAM

SUMMARY REPORT: *(To be read at Council meeting)*
This Committee met on March 23 to consider establishing an Employee Creation Incentive Program. This program is an economic development incentive that would provide an additional component in the decision making process for companies considering major investments/expansions in Troy. The program will include general guidelines.

RECOMMENDATION: *(To be read at Council meeting)*
It is the recommendation of this Committee that legislation be prepared establishing an Employee Creation Incentive Program. So that the program can be announced without delay to capitalize on potential development projects, this Committee supports emergency legislation.

Respectfully submitted,

Bobby W. Phillips

Todd D. Severt

John W. Schweser, Chairman
Finance Committee

DETAILED REPORT:
This Committee met on March 23, 2020 to consider an Employee Creation Incentive Program. The meeting was also attended by Mayor Oda, Council President Lutz, Council Members Allen, Rozell, Schilling, Snee, Terwilliger and Twiss, the Director of Law, the City Auditor, the Director of Public Service and Safety, and members of the City staff.

This program would provide an additional incentive for major economic development investments. The incentive would be an income tax rebate based on investment/payroll numbers for both new companies and expansions of existing companies, following basic guidelines. The guidelines were reviewed during the Committee Meeting, with it noted that the guidelines could be amended for applicants if Council so determines. This program could be an essential component when it comes to factors considered by businesses deciding about selecting Troy as a location or selecting a Troy site for expansion.

RECOMMENDATION:
It is the recommendation of this Committee that legislation be prepared establishing an Employee Creation Incentive Program. So that the program can be announced without delay to capitalize on potential development projects, this Committee supports emergency legislation.

cc: Council, Mayor, Mr. Kerber, Mr. Frigge, Mr. Titterington, Clerk, file, staff

COMMITTEE REPORT
TROY CITY COUNCIL

TO: Mr. Lutz, President of Council DATE: March 23, 2020

FROM: Streets & Sidewalks Committee

SUBJECT: AMENDING CODIFIED ORDINANCE CHAPTER 717 – USE OF PUBLIC SIDEWALKS

SUMMARY REPORT: *(To be read at Council meeting)*
This Committee met on March 23 to review proposed amendments to the Codified Ordinances regarding use of the public sidewalks in the downtown area, particularly related to outdoor furnishings. The proposed amendments will streamline requests and support the businesses by shortening the process without changing the criteria Council has historically supported.

RECOMMENDATION: *(To be read at Council meeting)*
It is the recommendation of this Committee that legislation be prepared to amend Section 717 of the Codified Ordinances, use of public sidewalks, as discussed within this report.

Respectfully submitted,

Jeffrey A. Schilling

Lynne B. Snee

Bobby W. Phillips, Chairman
Streets & Sidewalks Committee

DETAILED REPORT:
This Committee met on March 23, 2020, to review proposed amendments to Codified Ordinance Chapter 717 regarding the use of public sidewalks. This meeting was also attended by Mayor Oda, Council Members Rozell, Severt and Terwilliger, the Director of Public Service and Safety, the City Auditor, and members of the City staff.

Chapter 717 of the Codified Ordinances covers provisions related to the use of public sidewalks in the downtown area, including some businesses having outdoor furnishings. Due to an increased interest in the use of areas of the public sidewalks in the downtown area, staff performed a review of the Ordinance provisions. The review indicated that some revisions may be in order to include clarification, better consistency of the distance requirements, updating appropriate colors, and updates to the insurance requirements based on current standards. Proposed amendments also provide for the approval of the sidewalk use in this Chapter to be an administrative process, will streamline requests and support the businesses by shortening the process without changing the criteria Council has historically supported. The proposed amendments have been reviewed with the Director of Law.

RECOMMENDATION:
It is the recommendation of this Committee that legislation be prepared to amend Section 717 of the Codified Ordinances as discussed herein.

cc: Council, Mayor, Director of Law, Auditor, Director of Public Service and Safety, Clerk, file, staff

CITY OF TROY, OHIO

RESOLUTION No. R-22-2020

Dayton Legal Blank, Inc.

A RESOLUTION AUTHORIZING CERTAIN EMERGENCY PROCEDURES NECESSARY FOR THE CONTINUED GOVERNANCE OF THE CITY DURING THE CURRENT STATE OF EMERGENCY AND DECLARING AN EMERGENCY

WHEREAS, the Constitution of the State of Ohio in Article XVIII, Section 3, grants municipalities the authority to exercise all powers of local self-government and to enforce local police, sanitary, and other similar regulations as are not in conflict with the general laws; and

WHEREAS, pursuant to this constitutional home rule authority, the people of the City of Troy, Ohio, have adopted Codified Ordinances to exercise the powers of local self-government and enforce local police power regulations; and

WHEREAS, in Executive Order 2020-01D, Ohio Governor Mike DeWine declared a state of emergency for the entire State to protect the well-being of the citizens of Ohio from the dangerous effects of COVID-19 and to assist in protecting the lives, safety, and health of the citizens of Ohio; and

WHEREAS, subsequent to Executive Order 2020-01D the Governor has initiated other requirements greatly limiting in-person social contact; and

WHEREAS, the President of the United States has declared a national state of emergency due to the COVID-19 pandemic; and

WHEREAS, the Mayor of the City of Troy, Ohio has issued a Proclamation declaring a state of emergency in the City of Troy, Ohio; and

WHEREAS, it is anticipated that restrictions against holding meetings, including city council public meetings may be imposed in the near future.

WHEREAS, the City Council of Troy, Ohio has substantial, legitimate interests in continuing governmental services to the fullest extent necessary throughout the current national and state emergency; and

WHEREAS, holding council meetings and obtaining City Council approvals are needed for the furtherance of governmental services and functions; and

WHEREAS, the Ohio Attorney General in opinion No 2009-034 indicated that with respect to Townships, the open meetings laws, including allowing public access and council members to be physically present, apply even during a state of emergency; and

WHEREAS, in a letter dated March 13, 2020, the Ohio Attorney General informally indicated:

> "The Ohio Attorney General's Office has received numerous questions regarding the applicability of Ohio's Open Meetings Act (OMA) during this time of a COVID-19 declared emergency. Under this very limited fact pattern, there may be a basis for local public bodies to use electronic means to meet and comply with the law. You should discuss this matter with your legal counsel before making any decisions."; and

WHEREAS, the Ohio Attorney General has stated the following in the March 13 letter:

> "In this limited circumstance, where the Governor has declared a state of emergency and the Director of the Ohio Department of Health is limiting gatherings so as to prevent the spread of COVID-19, but the business of government must continue, it is reasonable to read the OMA's "in person" requirement as permitting a member of a public body to appear at a public meeting via teleconference. This interpretation gives effect to both R.C. 121.22 and R.C. 3701.13. It is also consistent with the United States Centers for Disease Control's recent guidance, issued in response to the national COVID-19 epidemic, to use videoconferencing for meetings when possible."; and

WHEREAS, the Law Director of the City of Troy, Ohio has advised that the City of Troy, Ohio has the authority under its Constitutional home rule authority to hold meetings via certain remote communications technology; and

WHEREAS, the City of Troy, Ohio has the technology to have any and/or all council members and other board members take part in a meeting electronically through telephone whereby all members of council and others that are listening to the meeting can be heard and the meeting can be fully recorded for subsequent viewing by the public. (the "Remote Meeting"); and

WHEREAS, the Council of the City of Troy believes that it is in the best interest of the citizens of Troy, Ohio to make available and utilize Remote Meetings to transact necessary business of the City during the course of the state of emergency;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Troy, Ohio as follows:

SECTION I: In the event Council of the City of Troy, Ohio or any individual City Council Member cannot attend a meeting of the City Council of Troy, Ohio due to State or County imposed meeting, quarantine, (including self quarantine) or travel restrictions during the state of emergency within the State of Ohio under Executive Order 2020-01D the Council of the City of Troy, Ohio may conduct its public meetings without the physical presence of all council members through the Remote Meeting process provided (1) proper notice is provided as required under Ohio law for a public meeting; (2) a quorum is present, whether in person, or electronically through the Remote Meeting process; (3) in the event that a member appearing via the Remote Meeting process is disconnected, the City Council of Troy, Ohio shall cease all discussions and deliberations until the member can be reconnected; (4) the public is able to hear the discussions and deliberations of all of the members, even those who are present via electronic means; (5) all other requirements of the open meeting act will apply, including those that govern executive session, and the taking of meeting minutes; and (6) for purpose of any required public hearing portion of the meeting, the general public is given an opportunity to email any questions, comments, or concerns.

SECTION II: That at the first meeting in which a quorum of council may be physically present, the City Council of Troy, Ohio shall ratify the past action taken during a Remote Meeting process.

SECTION III: That the Council of the City of Troy, Ohio City hereby authorizes the Board of Zoning Appeals, Planning Commission, the Park Board, the Recreation Board and all other boards, commissions, and committees of the City of Troy, Ohio, including the Community Improvement Corporation of Troy, Ohio to hold meetings using the Remote Meeting process in the same manner as City Council under the same provisions set forth in Section I and Section II above.

SECTION IV: That this Resolution is an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City of Troy, Ohio, and for the further reason that the City operations must continue during the state of emergency due to the COVID-19 virus, NOW WHEREFORE this Resolution shall be effective immediately upon its adoption and approval by the Mayor.

ADOPTED: _____ _____
President of Council

APPROVED: _____

ATTEST: _____ _____
Clerk of Council Mayor

CITY OF TROY, OHIO

RESOLUTION No. R-23-2020

Dayton Legal Blank, Inc.

RESOLUTION CANCELLING THE APRIL 6, 2020 MEETING OF TROY CITY COUNCIL AND DECLARING AN EMERGENCY

WHEREAS, this Council has adopted Resolution Number R-22-2020, establishing certain emergency procedures during the current State of Emergency due to the COVID-19 pandemic.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Troy, Ohio, as follows:

SECTION I: That this Council hereby cancels the meeting of Troy City Council scheduled for April 6, 2020.

SECTION II: That this Resolution is hereby declared to be an emergency measure, necessary for the preservation of the public peace, health, welfare and safety of the City of Troy, Ohio, and is further due to the current state of emergency related to the COVID-19 pandemic, NOW, WHEREFORE, this Resolution shall be effective immediately upon its adoption and approval by the Mayor.

Adopted: _____ _____
President of Council

Approved: _____

Attest: _____ _____
Clerk of Council Mayor

CITY OF TROY, OHIO

RESOLUTION No. R-24-2020

Dayton Legal Blank, Inc.

RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2020 AND DECLARING AN EMERGENCY

WHEREAS, the City of Troy, 100 S. Market Street, Troy, Ohio, 45373, Miami County, (hereinafter referred to as the "Political Subdivision") hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual road salt bid in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT winter road salt contract:

a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the road salt contract and acknowledges that upon of award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and

b. The Political Subdivision hereby acknowledges that upon the Director of ODOT's signing of the road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and

c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision's participation in the road salt contract; and

d. The Political Subdivision's electronic order for Sodium Chloride (Road Salt) will be the amount the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and

e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its electronically submitted salt quantities from its awarded salt supplier during the contract's effective period; and

f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT salt contract; and

g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Friday, April 24 by 12:00 p.m. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision's participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision's participation agreement and/or a Political Subdivision's request to rescind its participation agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Troy, Ohio, at least a majority of the members thereof concurring as follows:

SECTION I: That the Director of Public Service and Safety of the City of Troy, Ohio, is hereby authorized to enter into participation agreements for the ODOT road salt contract, that the ODOT road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT salt contract.

SECTION II: That this Resolution is an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City of Troy, Ohio, and for the further reason that the commitments to participate in this ODOT program must be received by ODOT by April 24, 2020, NOW, WHEREFORE this Resolution shall be effective immediately upon its adoption and approval by the Mayor.

Adopted:_____ _____
President of Council

Approved:_____

Attest:_____ _____
Clerk of Council Mayor

CITY OF TROY, OHIO

RESOLUTION No. R-25-2020

Dayton Legal Blank, Inc.

RESOLUTION AMENDING RESOLUTION NUMBER R-7-2020, AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO A CONTRACT FOR THE REBUILDING OF THE PARKSON SCREEN #2 PROJECT AT THE CITY OF TROY WASTEWATER TREATMENT PLANT, INCREASING THE AUTHORIZED AMOUNT, AND DECLARING AN EMERGENCY

WHEREAS, by Resolution Number R-7-2020, Council authorized the bidding and contracting for the Rebuilding of the Parkson Screen #2 Project at the City of Troy Wastewater Treatment Plant at a cost not to exceed One Hundred Thousand Dollars and no/100 ($100,000.00); and

WHEREAS, two bids were received, both of which exceeded the authorized amount; and

WHEREAS, this Council concurs with the staff recommendation that further bidding would not result in lower bids submitted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Troy, Ohio, as follows:

SECTION I: That the Director of Public Service and Safety of the City of Troy, Ohio is hereby authorized to enter into a contract for the Rebuilding of Parkson Screen #2 Project at the Wastewater Treatment Plant, in accordance with the specifications now on file in the office of the Director of Public Service and Safety, at a cost not to exceed One Hundred Fifteen Thousand Dollars and no/100 ($115,000.00).

SECTION II: That this Resolution That this Resolution is hereby declared to be an emergency measure, necessary for the preservation of the public peace, health, welfare and safety of the City of Troy, Ohio, and for the further reason that the contract can be executed with the low bidder, materials order by the contractor, and the work scheduled; NOW, WHEREFORE, this Resolution shall be effective immediately upon its adoption and approval by the Mayor.

Adopted: _____ _____
President of Council

Approved: _____

Attest: _____ _____
Clerk of Council Mayor

CITY OF TROY, OHIO

RESOLUTION No. R-26-2020

Dayton Legal Blank, Inc.

RESOLUTION DEFERRING LOAN PAYMENTS RELATED TO CITY OF TROY, OHIO COMMUNITY DEVLEOPMENT BLOCK GRANT AND SMALL BUSINESS DEVELOPMENT LOANS AND DECLARING AN EMERGENCY

WHEREAS, Troy City Council has approved loans to local businesses from the Community Development Block Grant and the Small Business Development Loan programs; and

WHEREAS, there are currently twenty-nine loans under both programs, all of which are current in meeting the loan terms and conditions; and

WHEREAS, in response to the COVID-19 pandemic, governmental entities have imposed closings and restrictions on businesses in an effort to slow the spread of COVID-19, which closings and restrictions have negatively impacted the holders of loans under these loan programs; and

WHEREAS, Troy City Council desires to lessen the burden on these local businesses caused by the COVID-19 pandemic and required closings and restrictions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Troy, Ohio, as follows:

SECTION I: That the Director of Public Service and Safety of the City of Troy, Ohio is authorized to implement a three-month deferral until August 1, 2020, on loan payments of principal and interest, with no compounded penalties, for both the Community Development Block Grant and the Small Business Development Loan programs, upon request of the loan holder; and that the Director of Public Service and Safety be further authorized to execute any related paperwork with the individual loan holders.

SECTION II: That this Resolution is hereby declared to be an emergency measure, necessary for the preservation of the public peace, health, welfare and safety of the City of Troy, Ohio, and for the further reason that the deferral opportunity needs to be available to the loan holders without delay as they are being impacted by the COVID-19 pandemic, NOW, WHEREFORE, this Resolution shall be effective immediately upon its adoption and approval by the Mayor.

Adopted: _____ _____
President of Council

Approved: _____

Attest: _____ _____
Clerk of Council Mayor

3rd

CITY OF TROY, OHIO

ORDINANCE No. O-13-2020

Dayton Legal Blank, Inc.

ORDINANCE DECLARING MUNICIPALLY OWNED REAL PROPERTY AS NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND AUTHORIZING THE SALE OF SUCH EXCESS PROPERTY

WHEREAS, the Board of Park Commissioners of the City of Troy, Ohio has identified a parcel of real property within Archer Park that is no longer needed for municipal purposes, and recommended that said parcel be declared surplus and sold; and

WHEREAS, state law requires that such land be sold after advertisement and to the highest bidder,

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Troy, Ohio as follows:

SECTION I: That the Director of Public Service and Safety of the City of Troy, Ohio is authorized to advertise for bids and enter into any required contract for the sale of the 0.1221 acres of real property listed on Exhibit "A" attached hereto and made a part hereof, which property is found to be no longer needed for any municipal purpose, in accordance with state law and the specifications now on file.

SECTION II: That the Director of Public Service and Safety is hereby authorized to execute any documents necessary for the sale and transfer of the property listed on Exhibit "A", including a deed.

SECTION III: That the Director of Law is hereby authorized to prepare any deeds and documents to complete the sale and transfer of the property listed on Exhibit "A".

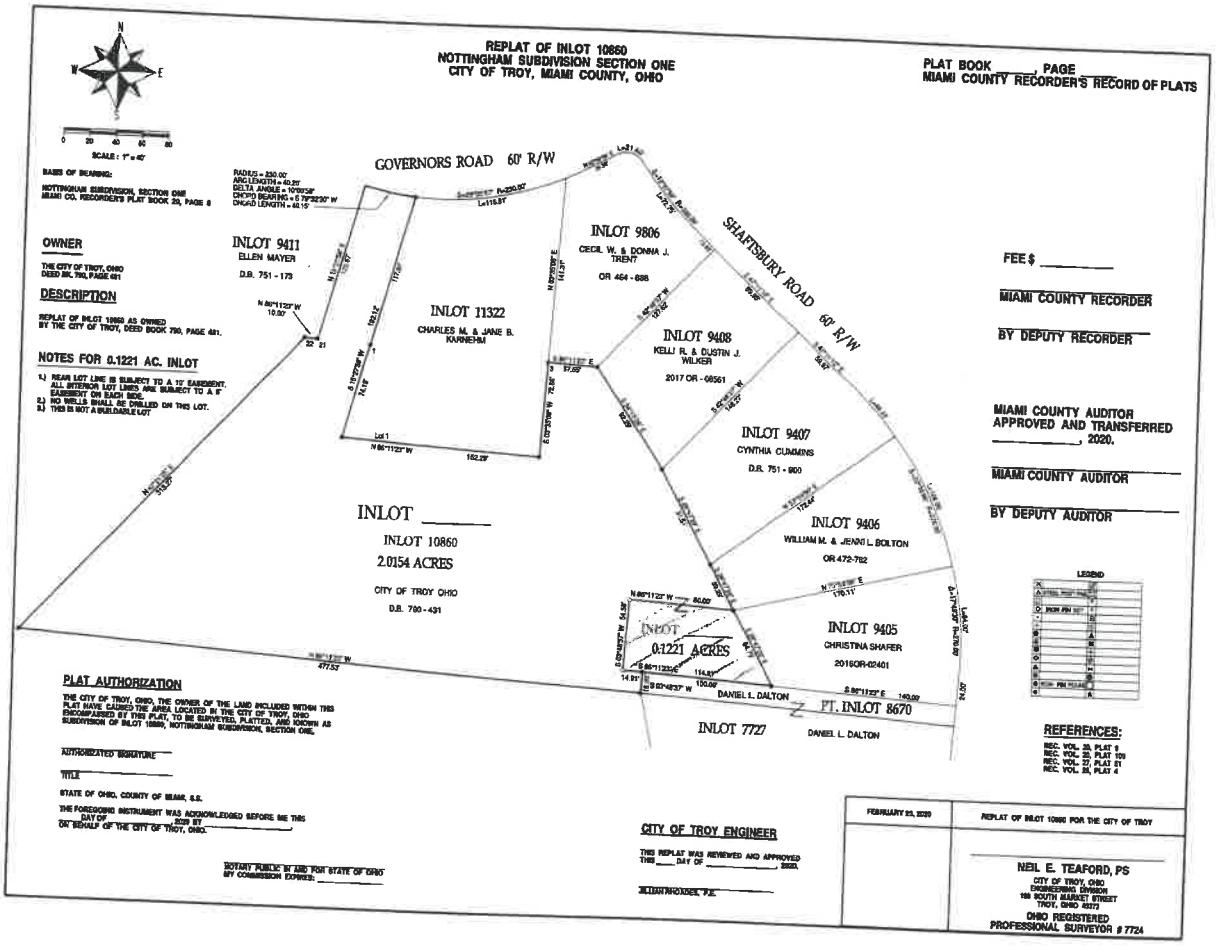
SECTION IV: That this Ordinance shall be effective at the earliest date allowed by law.

Adopted: _____ _____
President of Council

Approved: _____

Attest: _____ _____
Clerk of Council Mayor

EXHIBIT A


REPLAT OF INLOT 10860
NOTTINGHAM SUBDIVISION SECTION ONE
CITY OF TROY, MIAMI COUNTY, OHIO
PLAT BOOK ____, PAGE ____
MIAMI COUNTY RECORDER'S RECORD OF PLATS
SCALE : 1" = 40'
BASIS OF BEARING:
NOTTINGHAM SUBDIVISION, SECTION ONE
MIAMI CO. RECORDER'S PLAT BOOK 20, PAGE 8
OWNER
THE CITY OF TROY, OHIO
DEED BK. 700, PAGE 431
DESCRIPTION
REPLAT OF INLOT 10860 AS OWNED BY THE CITY OF TROY, DEED BOOK 700, PAGE 431.
NOTES FOR 0.1221 AC. INLOT
1.) REAR LOT LINE IS SUBJECT TO A 10' EASEMENT. ALL INTERIOR LOT LINES ARE SUBJECT TO A 5' EASEMENT ON EACH SIDE.
2.) NO WELLS SHALL BE DRILLED ON THIS LOT.
3.) THIS IS NOT A BUILDABLE LOT
GOVERNORS ROAD 60' R/W
SHAFTSBURY ROAD 60' R/W
INLOT 9411
ELLEN MAYER
D.B. 751 - 173
INLOT 11322
CHARLES M. & JANE B. KARNEHM
INLOT 9806
CECIL W. & DONNA J. TRENT
OR 464 - 688
INLOT 9408
KELLI R. & DUSTIN J. WILKER
2017 OR - 08561
INLOT 9407
CYNTHIA CUMMINS
D.B. 751 - 900
INLOT 9406
WILLIAM M. & JENNI L. BOLTON
OR 472-782
INLOT 9405
CHRISTINA SHAFER
2016OR-02401
INLOT ____
INLOT 10860
2.0154 ACRES
CITY OF TROY OHIO
D.B. 700 - 431
INLOT
0.1221 ACRES
DANIEL L. DALTON
FT. INLOT 8670
INLOT 7727
DANIEL L. DALTON
FEE $ ____
MIAMI COUNTY RECORDER
BY DEPUTY RECORDER
MIAMI COUNTY AUDITOR
APPROVED AND TRANSFERRED
____, 2020.
MIAMI COUNTY AUDITOR
BY DEPUTY AUDITOR
LEGEND
REFERENCES:
REC. VOL. 20, PLAT 8
REC. VOL. 20, PLAT 109
REC. VOL. 27, PLAT 51
REC. VOL. 28, PLAT 4
PLAT AUTHORIZATION
THE CITY OF TROY, OHIO, THE OWNER OF THE LAND INCLUDED WITHIN THIS PLAT HAVE CAUSED THE AREA LOCATED IN THE CITY OF TROY, OHIO ENCOMPASSED BY THIS PLAT, TO BE SURVEYED, PLATTED, AND KNOWN AS SUBDIVISION OF INLOT 10860, NOTTINGHAM SUBDIVISION, SECTION ONE.
AUTHORIZED SIGNATURE
TITLE
STATE OF OHIO, COUNTY OF MIAMI, S.S.
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF ____, 2020 BY ____ ON BEHALF OF THE CITY OF TROY, OHIO.
NOTARY PUBLIC IN AND FOR STATE OF OHIO
MY COMMISSION EXPIRES: ____
CITY OF TROY ENGINEER
THIS REPLAT WAS REVIEWED AND APPROVED THIS ____ DAY OF ____, 2020.
JEREMY RHOADES, P.E.
FEBRUARY 25, 2020
REPLAT OF INLOT 10860 FOR THE CITY OF TROY
NEIL E. TEAFORD, PS
CITY OF TROY, OHIO
ENGINEERING DIVISION
100 SOUTH MARKET STREET
TROY, OHIO 45373
OHIO REGISTERED
PROFESSIONAL SURVEYOR # 7724

CITY OF TROY, OHIO

ORDINANCE No. O-21-2020

Dayton Legal Blank, Inc.

AN ORDINANCE AMENDING CHAPTER 717, USE OF PULIC SIDEWALKS, OF THE CODIFIED ORDINANCES OF THE CITY OF TROY, OHIO

WHEREAS, the Council of the City of Troy, Ohio finds it both necessary and appropriate to amend and update Chapter 717 of the Codified Ordinances of the City of Troy, Ohio regarding the use of public sidewalks in the defined downtown area of the City of Troy, Ohio.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Troy, Ohio, as follows:

SECTION I: That Chapter 717, Use of Public Sidewalks, of the Codified Ordinances of the City of Troy, Ohio, attached hereto as Exhibit A, is hereby repealed in its entirety.

SECTION II: That Chapter 717, Use of Public Sidewalks, of the Codified Ordinances of the City of Troy, Ohio, is hereby enacted as follows:

"CHAPTER 717 USE OF PUBLIC SIDEWALKS

717.01 DEFINITIONS.
For the purpose of this chapter, downtown Troy is defined as that area bounded by Water Street to the north, Mulberry Street to the east, Canal Street to the south, and Plum Street (as extended) to the west.

717.02 DISPLAY ON SIDEWALKS PROHIBITED.
No person shall place, store or expose for sale any goods, merchandise, groceries or provisions of any kind whatsoever, establish seating areas, or place any signage in or upon the public sidewalks or other right-of-way (ROW) of the City except in the manner hereinafter provided.

717.03 USE OF SIDEWALKS PROHIBITED.
Persons may use the public sidewalks, but not other ROW in downtown Troy to place merchandise, tables and chairs, and approved easel board signs, and other objects, subject to the conditions set forth in this chapter. Each use of the ROW must be approved in writing by the Director of Public Service and Safety.

717.04 MERCHANDISE DISPLAYS.
Merchandise may be displayed on public sidewalks in downtown Troy subject to the following provisions:
(a) There shall be a minimum of six feet (6') of unobstructed walkway maintained at all times.
(b) The display shall extend no more than four feet from the building face.
(c) The merchandise shall be in front of the business and shall not overflow onto other business fronts.
(d) Displays of merchandise must be approved in writing by the Director of Public Service and Safety.

717.05 TABLES AND CHAIRS.
Tables and chairs may be located on public sidewalks in downtown Troy subject to the following provisions:
(a) There shall be a minimum of six feet (6') of unobstructed walkway maintained at all times.
(b) The tables and chairs shall extend no more than four feet (4') from the building face.
(c) The tables and chairs shall be maintained in good condition, made of a durable material such as metal, wood or durable plastic, and kept in a clean condition and free of debris.
(d) The color of the tables and chairs shall be black, white or a dark blue similar to the color of the existing street furniture in downtown Troy.
~~(e)~~ The tables and chairs shall not be left on the public sidewalks overnight unless approved by the Director of Public Service and Safety.
(f) The tables and chairs shall only be placed on the public sidewalks between April 1 and October 31 of any calendar year, with a maximum daily time period of between 6:00 a.m. and 10:30 p.m.
(g) The table and chairs shall be in front of the business they are intended to serve and shall not overflow onto other business fronts.
(h) Permission to place tables and chairs on public sidewalks in downtown Troy does not include permission for alcoholic beverages to be sold, served, or consumed in such area.
(i) All tables and chairs placed on the public sidewalks must be approved in writing by the Director of Public Service and Safety.

717.06 EASEL BOARD SIGNS.

Easel board signs may be permitted on public sidewalks in downtown Troy subject to the following provisions:

(a) The easel board sign shall only be one specifically prescribed by the City of Troy or its designated agent.
(b) The easel board sign shall be placed perpendicular to the building front and be within one foot (1') of the building front, and shall provide a minimum of six feet (6') of unobstructed walkway at all times.
(c) The easel board sign shall not contain the name of the business.
(d) The easel board sign shall not exceed thirty-six inches (36") in width or forty-two inches (42") in height.
(e) The easel board sign shall be maintained in good condition.
(f) The easel board sign shall only be placed on the public sidewalks in downtown Troy between 6:00 a.m. and 10:30 p.m., and shall not remain on the public sidewalks in downtown Troy overnight.
(g) The easel board sign shall be positioned in front of the business it is intended to serve.
(h) All easel board signs placed on the public sidewalks must be approved in writing by the Director of Public Service and Safety.

717.07 PERMANENT OR SEASONAL SEATING ENCLOSURES.

Permanent or seasonal seating enclosures on the public sidewalks of downtown Troy may be permitted by the Director of Public Service and Safety after receiving a Certificate of Appropriateness from the Troy Planning Commission after Historic District Review. Permanent or seasonal seating enclosures may be permitted subject to the following provisions:

(a) There shall be a minimum of six (6) feet of unobstructed walkway maintained at all times.
(b) The tables and chairs shall be maintained in good condition, made of a durable material such as metal, wood, or durable plastic, and kept in a clean condition and free of debris.
(c) The color of the tables and chairs shall be black, white or a dark blue similar to the color of the existing street furniture in downtown Troy.
(d) Permission to create permanent or seasonal seating enclosures on public sidewalks in downtown Troy does not include permission for alcoholic beverages to be sold, served or consumed in such area. The sale, serving and consumption of alcoholic beverages can only take place if a business complies with all requirements of the Ohio Department of Liquor Control.
(e) Any other reasonable conditions placed upon the business by the Planning Commission and/or Director of Public Service and Safety.
(f) No additional tables and chairs shall be permitted outside of the permanent of seasonal seating enclosures.

717.08 AWNINGS/CANOPIES.

Awnings and/or canopies installed above doorways and windows that overhang public sidewalks in downtown Troy may be permitted after receiving a Certificate of Appropriateness from the Troy Planning Commission after Historic District Review, subject to the following conditions:

(a) The awning/canopy shall have a minimum clearance of nine (9) feet above sidewalk grade nearest the sign.
(b) The awning/canopy shall not project more than five (5) feet from the building face over a public right-of-way, but shall not be located closer than two (2) feet from the curb of any roadway.
(c) Awnings/Canopies shall be limited to single-story buildings or to the first level only of multi-story buildings.
(d) Signs on awnings and canopies shall be permitted subject to the requirements and restrictions of the Troy Sign Code.

717.09 PUBLIC ART.

No public art, either permanent or seasonal, shall be placed on the public sidewalks in downtown Troy without written approval by the Director of Public Service and Safety.

717.10 OTHER DISPLAYS.

Other miscellaneous displays may be permitted on the public sidewalks in downtown Troy provided these displays are approved in writing by the Director of Public Service and Safety.

717.11 MAINTENANCE OF SIDEWALK DISPLAYS.

If, in the determination of the City of Troy, any of the items permitted to be on the public sidewalks in downtown Troy become deteriorated upon written notice, the item shall be permanently removed or replaced by the business or property owner.

717.12 REMOVAL OF DISPLAYS.

The City reserves the right to remove any merchandise, tables and chairs, easel board signs, public art, or other display from the public sidewalks or ROW should said display be in violation of any provision of this chapter. The cost of removal shall be paid by the property owner.

717.13 INSURANCE.

Each business using public sidewalks for merchandise display and/or sales shall maintain insurance against claims arising out of its use of public sidewalks and annually furnish to the City of Troy an insurance certificate and other evidence of coverage as requested by the City. Annually, the evidence of coverage must be delivered to the City prior to any item being placed on public sidewalks. The insurance coverage shall meet all the following requirements:

(a) Liability Insurance. Commercial General Liability coverage at least as broad as Insurance Services Office Form CG 00 01, on an occurrence basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits of insurance no less than one million dollars ($1,000,000) per occurrence. If Commercial General Liability Insurance or other form with a general aggregate limit is used, the general aggregate limit shall be twice the required occurrence limit.

(b) The insurance company must have an AM BEST rating of no less than A:VII unless otherwise acceptable to the City. The business shall provide the City with proof of that rating.

(c) The insurance policy(ices) shall cover, or be endorsed to cover, the City of Troy, its elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof as Additional Insureds. Coverage shall be primary to the Additional Insureds and not contributing with any other insurance or similar protection available to the Additional Insureds whether other coverage be primary, contributing or excess. The certificate of insurance shall evidence compliance with these specifications by including, the following wording only:

"On these coverages the following are listed as Additional-Insureds: The City of Troy, Ohio, its elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board member, including employees and volunteers thereof. Coverage shall be primary to the Additional Insureds and not contributing with any other insurance or similar protection available to the Additional Insureds whether other coverage be primary, contributing or excess."

(d) Cancellation Notice. Each insurance policy required above shall provide that coverage shall not be canceled except with notice to the City of Troy delivered to: Director of Public Service and Safety, City Hall, 100 S. Market Street, Troy, Ohio, 45373. If the business receives a non-renewal or cancellation notice from an insurance carrier providing coverage required herein, or receives a notice that coverage no longer complies with the requirements herein, the business agrees to notify the City by fax, or email within five (5) business days with a copy of the non-renewal or cancellation notice, or by written explanation of how coverage is no longer in compliance. The business shall cease operations on public sidewalks on the occurrence of any such non-renewal, cancellation, or material change and shall not resume such operations until insurance is in force that complies with these requirements.

(e) Coverage Expiration. If any of the above coverages expire during the time frame covered by this chapter, the business owner shall deliver renewal certificates and/or policies to the City of Troy, Ohio, at least ten days prior to said expiration date.

(f) The City of Troy reserves the right to request facsimile or certified copies of all insurance policies, including endorsements, required by these specifications, at any time.

(g) The business owner/insurance company shall respond promptly to any and all complaints or claims arising from the use of the public sidewalk.

(h) The City of Troy reserves the right to modify these requirements, including limits, based on the nature of the risk, insurer, coverage or other special circumstances.

717.14 INDEMNIFICATION.

On an annual basis, the owner of each business using public sidewalks for merchandise display and/or sales, shall sign an Indemnification Agreement with the City of Troy as provided by the City of Troy. This Indemnification Agreement must be executed and on file with the City prior to any item being placed on public sidewalks.

717.15 APPROVAL/ DISAPPROVAL OF REQUEST.

The decision to approve or deny the requests for merchandise displays, table and chairs, easel board signs, permanent or seasonal seating enclosures, awnings/canopies and public art is based upon the impact to safety of vehicular traffic, pedestrian traffic, downtown aesthetics, the ability to satisfy insurance requirements, and any other requirements of Section 717.

717.99 PENALTY.

Whoever violates any provision of this chapter shall be deemed guilty of a minor misdemeanor and shall be fined not more than One Hundred Fifty Dollars ($150.00). Each day's violation shall constitute a separate offense."

SECTION III: That this Ordinance shall be effective at the earliest date allowed by Law.

Adopted: _____ _____
President of Council

Approved: _____

Attest: _____ _____
Clerk of Council Mayor

EXHIBIT A

CHAPTER 717
Use of Public Sidewalks

717.01 Definitions.
717.02 Display on sidewalks prohibited.
717.03 Use of sidewalks prohibited.
717.04 Merchandise displays.
717.05 Tables and chairs.
717.06 Easel board signs.
717.07 Permanent or seasonal seating enclosures.
717.08 Awnings/canopies.
717.09 Public art.
717.10 Other displays.
717.11 Maintenance of sidewalk displays.
717.12 Removal of displays.
717.13 Insurance.
717.14 Indemnification.
717.99 Penalty.

717.01 DEFINITIONS.

For the purpose of this chapter, downtown Troy is defined as that area bounded by Water Street to the north, Mulberry Street to the east, Canal Street to the south, and Plum Street (as extended) to the west. (Ord. 70-2007. Passed 11-19-07.)

717.02 DISPLAY ON SIDEWALKS PROHIBITED.

No person shall place, store or expose for sale any goods, merchandise, groceries or provisions of any kind whatsoever, establish seating areas, or place any signage in or upon the public sidewalks or other right-of-way (ROW) of the City except in the manner hereinafter provided.
(Ord. 70-2007. Passed 11-19-07.)

717.03 USE OF SIDEWALKS PROHIBITED.

Persons may use the public sidewalks, but not other ROW in downtown Troy to place merchandise, tables and chairs, and approved easel board signs, subject to the conditions set forth in this chapter. Each use of the ROW must be approved in writing by the Director of Public Service and Safety. (Ord. 70-2007. Passed 11-19-07.)

717.04 MERCHANDISE DISPLAYS.

Merchandise may be displayed on public sidewalks in downtown Troy subject to the following provisions:

(a) There shall be a minimum of five feet of unobstructed walkway maintained at all times.

(b) The display shall extend no more than four feet from the building face.

(c) The merchandise shall be in front of the business and shall not overflow onto other business fronts.

(Ord. 70-2007. Passed 11-19-07.)

717.05 TABLES AND CHAIRS.

Tables and chairs may be located on public sidewalks in downtown Troy subject to the following provisions:

(a) There shall be a minimum of five feet (5') of unobstructed walkway maintained at all times.

(b) The tables and chairs shall extend no more than four feet (4') from the building face.

(c) The tables and chairs shall be maintained in good condition, made of a durable material such as metal, wood or durable plastic, and kept in a clean condition and free of debris.

(d) The color of the tables and chairs shall be black, white or a dark green similar to the color of the existing street furniture in downtown Troy.

(e) The tables and chairs shall not be left on the public sidewalks overnight unless approved by legislative action outlined in Section 717.07.

(f) The tables and chairs shall only be placed on the public sidewalks between April 1 and October 31 of any calendar year, with a maximum daily time period of between 6:00 a.m. and 10:30 p.m.

(g) The table and chairs shall be in front of the business they are intended to serve and shall not overflow onto other business fronts.

(h) Permission to place tables and chairs on public sidewalks in downtown Troy does not include permission for alcoholic beverages to be sold, served, or consumed in such area. (Ord. 70-2007. Passed 11-19-07.)

717.06 EASEL BOARD SIGNS.

Easel board signs may be permitted on public sidewalks in downtown Troy subject to the following provisions:

(a) The easel board sign shall only be one specifically prescribed by the City of Troy or its designated agent.

(b) The easel board sign shall be placed perpendicular to the building front and be within one foot (1') of the building front, and shall provide a minimum of six feet (6') of unobstructed walkway at all times.

(c) The easel board sign shall not contain the name of the business.

(d) The easel board sign shall not exceed thirty-six inches (36") in width or forty-two inches (42") in height.

(e) The easel board sign shall be maintained in good condition.

(f) The easel board sign shall be a dark green color similar to the color of the existing street furniture in downtown Troy.

(g) The easel board sign shall only be placed on the public sidewalks in downtown Troy between 6:00 a.m. and 10:30 p.m., and shall not remain on the public sidewalks in downtown Troy overnight.

(i) The easel board sign shall be positioned in front of the business it is intended to serve. (Ord. 70-2007. Passed 11-19-07.)

717.07 PERMANENT OR SEASONAL SEATING ENCLOSURES.

Permanent or seasonal seating enclosures on the public sidewalks of downtown Troy may be permitted only by legislative action of City Council after receiving a Certificate of Appropriateness from the Troy Planning Commission after Historic District Review. Permanent or seasonal seating enclosures may be permitted subject to the following provisions:

(a) There shall be a minimum of five (5) feet of unobstructed walkway maintained at all times.

(b) The tables and chairs shall be maintained in good condition, made of a durable material such as metal, wood, or durable plastic, and kept in a clean condition and free of debris.

(c) The color of the tables and chairs shall be black, white or a dark green similar to the color of the existing street furniture in downtown Troy.

(d) Permission to create permanent or seasonal seating enclosures on public sidewalks in downtown Troy does not include permission for alcoholic beverages to be sold, served or consumed in such area. The sale, serving and consumption of alcoholic beverages can only take place if a business owner requests the City approve a lease agreement and complies with all requirements of the Ohio Department of Liquor Control.

(e) Any other reasonable conditions placed upon the business by City Council.

(Ord. 70-2007. Passed 11-19-07.)

717.08 AWNINGS/CANOPIES.

Awnings and/or canopies over public sidewalks in downtown Troy may be permitted after receiving a Certificate of Appropriateness from the Troy Planning Commission after Historic District Review, subject to the following conditions:

(a) The awning/canopy shall have a minimum clearance of nine (9) feet above sidewalk grade nearest the sign.

(b) The awning/canopy shall not project more than five (5) feet from the building face over a public right-of-way, but shall not be located closer than two (2) feet from the curb of any roadway.

(c) Awnings/Canopies shall be limited to single-story buildings or to the first level only of multi-story buildings.

(d) Signs on awnings and canopies shall be permitted subject to the requirements and restrictions of the Troy Zoning Code.

(Ord. 70-2007. Passed 11-19-07.)

717.09 PUBLIC ART.

No public art, either permanent or seasonal, shall be placed on the public sidewalks in downtown Troy without written approval by the Director of Public Service and Safety.

(Ord. 70-2007. Passed 11-19-07.)

717.10 OTHER DISPLAYS.

Other miscellaneous displays may be permitted on the public sidewalks in downtown Troy provided these displays are approved in writing by the Director of Public Service and Safety.

(Ord. 70-2007. Passed 11-19-07.)

717.11 MAINTENANCE OF SIDEWALK DISPLAYS.

If, in the determination of the City of Troy, any of the items permitted to be on the public sidewalks in downtown Troy become deteriorated upon written notice, the item shall be permanently removed or replaced by the business or property owner.

(Ord. 70-2007. Passed 11-19-07.)

717.12 REMOVAL OF DISPLAYS.

The City reserves the right to remove any merchandise, tables and chairs, easel board signs, public art, or other display from the public sidewalks or ROW should said display be in violation of any provision of this chapter. The cost of removal shall be paid by the property owner.

(Ord. 70-2007. Passed 11-19-07.)

717.13 INSURANCE.

Each business using public sidewalks for merchandise display and/or sales, shall annually furnish to the City of Troy an insurance certificate to cover the public sidewalk used. Annually, the insurance certificate must be delivered prior to any item being placed on public sidewalks. The insurance coverage shall include all the following requirements:

(a) Liability Insurance. Coverage will be at least as broad as Insurance Services Office Commercial General Liability coverage (occurrence Form CG.00.01) including products and completed operations coverage. The business shall maintain limits of insurance no less than one million dollars ($1,000,000) per occurrence for bodily injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, the general aggregate limit shall be twice the required occurrence limit.

(b) The insurance company must have an AM BEST rating of A+ or better. The business shall provide the City with proof of that rating.

(c) The City is to be named as an Additional Insured, using the following wording only:

"On these coverages the following are listed as Additionally Insured: the City of Troy, Ohio, its elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board member, including employees and volunteers thereof. Coverage shall be primary to the Additional Insureds and not contributing with any other insurance or similar protection available to the Additional Insureds whether other coverage be primary, contributing or excess."

(d) Cancellation Notice. The certificate of insurance shall include an endorsement stating that "Fifteen (15) days advance Written Notice of Cancellation, Non- Renewal, Reduction and/or Material Change shall be sent to: Director of Public Service and Safety, City Hall, 100 S. Market Street, Troy, Ohio, 45373.".

(e) Coverage Expiration. If any of the above coverages expire during the time frame covered by this chapter, the business owner shall deliver renewal certificates and/or policies to the City of Troy, Ohio, at least ten days prior to said expiration date.

(f) The City of Troy reserves the right to request facsimile or certified copies of all insurance policies.

(g) The business owner/insurance company shall respond promptly to any and all complaints or claims arising from the use of the public sidewalk.

(Ord. 70-2007. Passed 11-19-07.)

717.14 INDEMNIFICATION.

On an annual basis, the owner of each business using public sidewalks for merchandise display and/or sales, shall sign an Indemnification Agreement with the City of Troy as provided by the City of Troy. This Indemnification Agreement must be executed and on file with the City prior to any item being placed on public sidewalks.

(Ord. 70-2007. Passed 11-19-07.)

717.99 PENALTY.

Whoever violates any provision of this chapter shall be deemed guilty of a minor misdemeanor and shall be fined not more than one hundred dollars ($100.00). Each day's violation shall constitute a separate offense.

(Ord. 70-2007. Passed 11-19-07.

CITY OF TROY, OHIO

ORDINANCE No. O-22-2020

Dayton Legal Blank, Inc.

AN ORDINANCE ESTABLISHING AN EMPLOYEE CREATION INCENTIVE PROGRAM IN THE CITY OF TROY, OHIO AND DECLARING AN EMERGENCY

WHEREAS, the retention and creation of jobs and employment opportunities is integral to the continued economic health of the City of Troy, Ohio, and its citizens; and

WHEREAS, the use of governmental resources for the promotion of economic development in the community is in the public interest and is a proper exercise of municipal powers as per Article VIII, Section 13 of the Ohio Constitution; and

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution gives municipalities the authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws; and

WHEREAS, Section 718.15 of the Ohio Revised Code authorizes a municipal corporation to grant a credit against its tax on income to a taxpayer; and

WHEREAS, the Council of the City of Troy, Ohio desires to establish an Employee Creation Incentive Program to provide incentives to business to retain, create and expand employment opportunities within the City of Troy without utilizing tax revenues or impact negatively upon the local school system; and

WHEREAS, funding for the Employee Creation Incentive Program shall come from the following non-tax revenue sources: interest income, permit fees, activity fees, service charges, and tax incentive application and monitoring fees.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Troy, as follows:

SECTION I: That this Council hereby creates, pursuant to Article VIIII, Section 13 and Article XVIII, Section 3 of the Ohio Constitution and Ohio Revised Code Section 718.15, an Employee Creation Incentive Program as set forth and described in Exhibit A, attached hereto and made a part hereof.

SECTION II: That this Council hereby authorizes funding for the Employee Creation Incentive Program shall come from the following non-tax revenue sources: interest income, permit fees, activity fees, service charges, and tax incentive application and monitoring fees.

SECTION III: That this Ordinance is hereby declared to be an emergency measure, necessary for the preservation of the public peace, health, welfare and safety of the City of Troy, Ohio, and for the further reason that the Program needs to be announced without delay to capitalize on potential development projects; NOW, WHEREFORE, this Ordinance shall be effective immediately upon its adoption and approval by the Mayor.

Adopted:_____ _____
President of Council

Approved:_____

Attest: _____ _____
Clerk of Council Mayor

EXHIBIT A

EMPLOYEE CREATION INCENTIVE PROGRAM

The City of Troy (the City) offers tax incentives to attract new industrial companies and promote the growth of existing businesses. Those incentives are primarily in the form of Enterprise Zone or Community Reinvestment Area property tax abatements. However, to attract significant new industrial projects and high impact expansions of current businesses, the City could consider one-time, non-renewable local payroll withholding-based incentives, under the following conditions:

If the project involves the relocation of a business that does not already have operations in Troy (i.e., Relocation Project), the company would agree to:

1. Increase and maintain a minimum payroll of ten million dollars ($10,000,000) within four (4) years of initial operations in Troy;
2. Maintain an average employee wage rate equal to 175% of the current Ohio Minimum Wage;
3. Maintain continued operations for a period of ten (10) years after relocation to the City;
4. Provide any payroll withholdings or corporate profit information required by the City to evaluate compliance with the above requirements and, further, authorize the Fiscal Supervisor of the City of Troy to provide to the Director of Public Service and Safety, or his designee, with the tax information necessary to evaluate company compliance with said requirements, provided said information would remain confidential to the extent allowed by local, state and federal law; and,
5. Reimburse the City for 100% of any payments made during the life of an income tax incentive agreement in the event the company relocates outside the City within the first five (5) years of the date of agreement or 50% of any payments made during the life of an income tax incentive agreement in the event the company relocates outside the City after five (5) years but within the first ten (10) years of the date of agreement.

Upon Council approval of a Relocation Project Agreement, the City would provide annual cash payments equal to 25% of the payroll withholding taxes paid to the City during the prior calendar year, to a maximum of one hundred thousand dollars ($100,000) per year, with said payments occurring within six (6) months following verification of compliance with the company requirements. While specific project terms may vary, general guidelines would provide a maximum annual payments incentive of no more than ten (10) years for increased annual payroll of between ten million dollars and fifteen million dollars ($10,000,000-$15,000,000) or fifteen (15) years for increased annual payroll exceeding fifteen million dollars ($15,000,000). The City could, at its discretion, suspend payment of the incentive when the payroll for the previous calendar year falls to five million dollars ($5,000,000) or less. In such case, the remaining agreement years shall extend by each year of suspension, provided the initial period plus extension shall not exceed an additional three (3) years.

If the project involves the expansion of a business that already maintains operations in Troy, (i.e., Expansion Project) the company would agree to:

1. Within two (2) years of expanding operations in Troy, increase and maintain a payroll that is at least two million five hundred thousand dollars ($2,500,000) greater than the most recent year prior to the expansion;
2. Maintain an average employee wage rate equal to 175% of the current Ohio Minimum Wage;
3. Invest a minimum of twenty million dollars ($20,000,000) in capital expansion, which could include any combination of building, equipment, land purchase and/or construction costs;
4. Maintain continued total company operations for a period of ten (10) years after the signing date of the income tax incentive agreement;
5. Provide any payroll withholdings or corporate profit information required by the City to evaluate compliance with the above requirements and, further, authorize the Fiscal Supervisor of the City of Troy to provide to the Director of Public Service and Safety, or his designee, with the tax information necessary to evaluate company compliance with said requirements, provided said information will remain confidential to the extent allowed by local, state and federal law;
6. Reimburse the City for 100% of any payments made during the life of an income tax incentive agreement in the event the company relocates outside the City within the first five (5) years of the date of agreement or 50% of any payments made during the life of an income tax incentive agreement in the event the company relocates outside the City after five (5) years but within the first ten (10) years of the date of agreement;

Upon Council approval of an Expansion Project Agreement, the City would provide annual cash payments equal to 25% of the payroll withholding taxes paid to the City during the prior calendar year, to a maximum of fifty thousand dollars ($50,000) per year, with said payments occurring within six (6) months following verification of compliance with the company requirements. The total number of annual payments could not exceed six (6) years. The City could, at its discretion, suspend payment of the incentive when the payroll for the previous calendar year falls by one million two hundred fifty thousand dollars ($1,250,000) under the previous year. In such case, the remaining agreement years shall extend by each year of suspension, provided the initial period plus extension shall not exceed an additional three (3) years.